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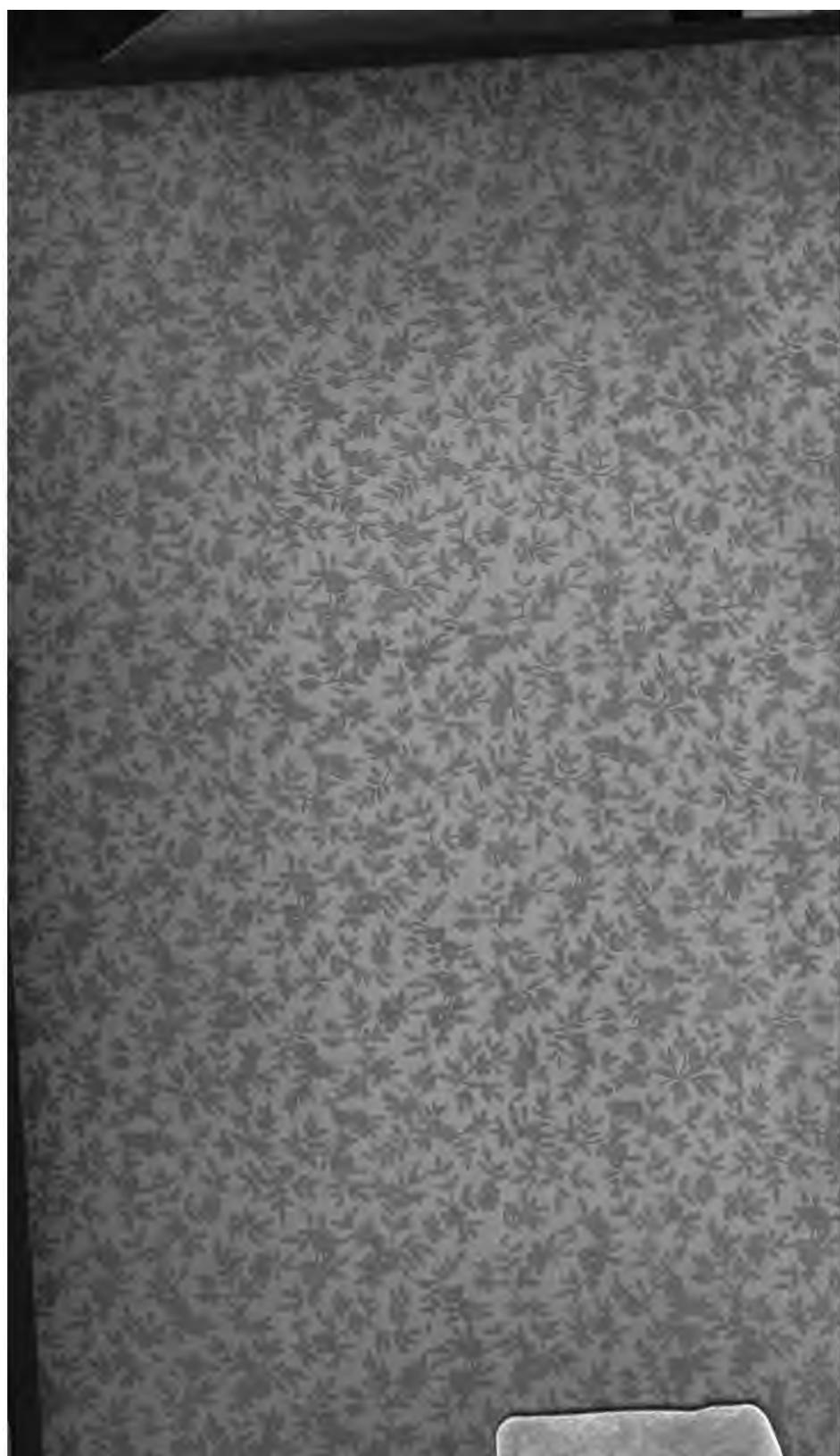
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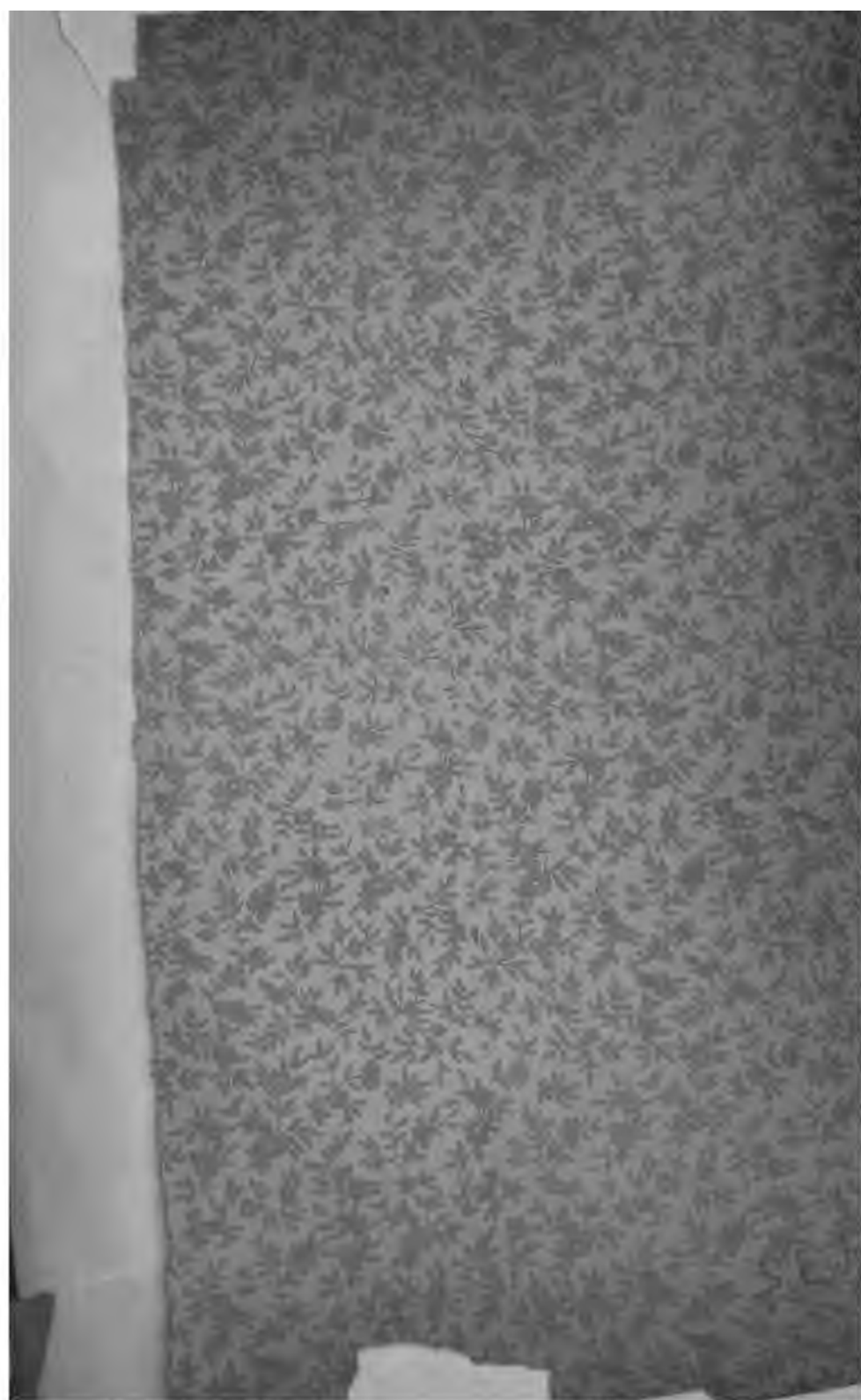


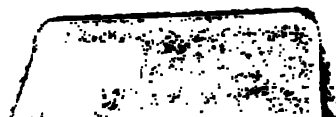
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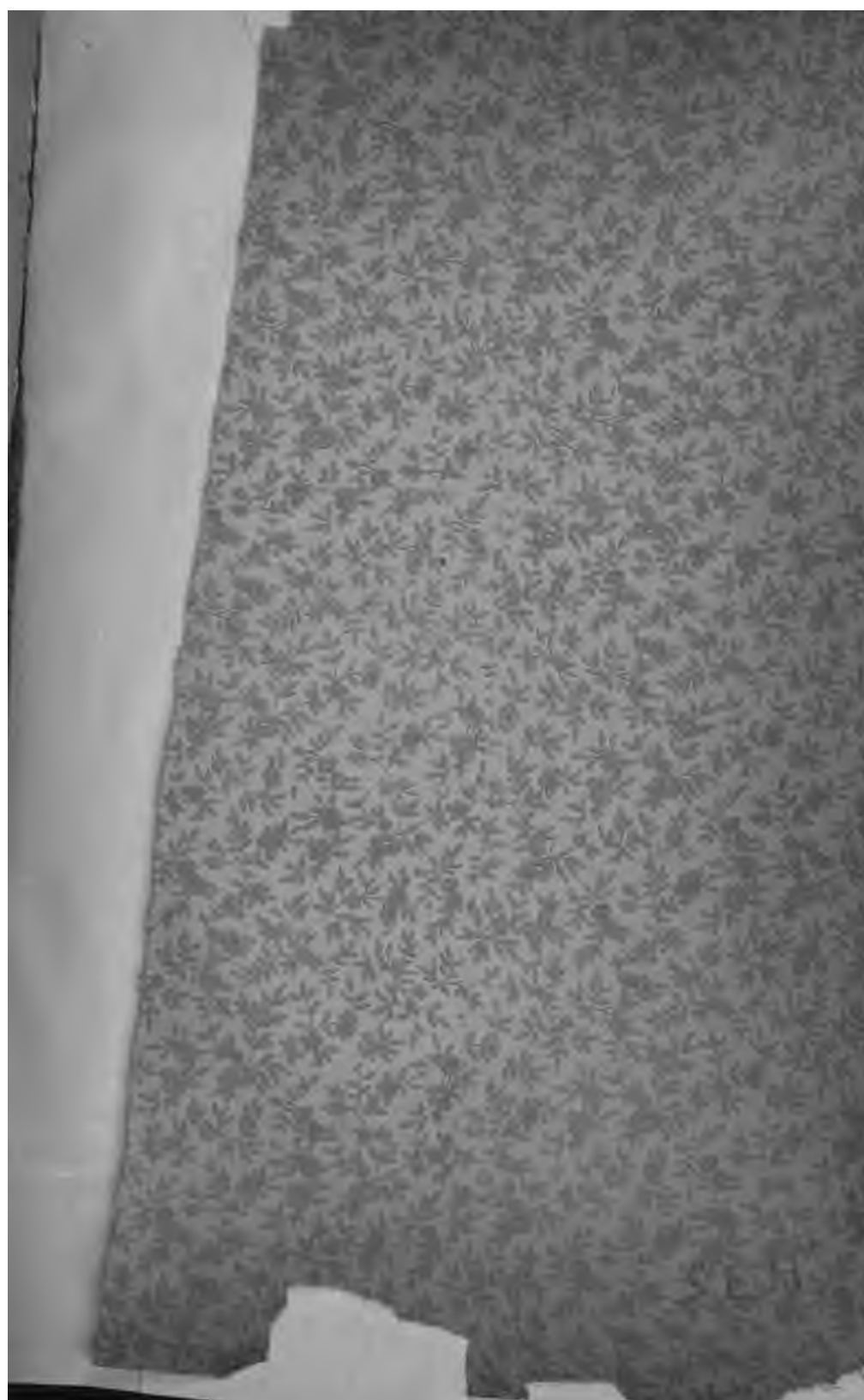
COMPILED AND PUBLISHED BY
HARRISON R. KINCAID
SECRETARY OF STATE.

1897.

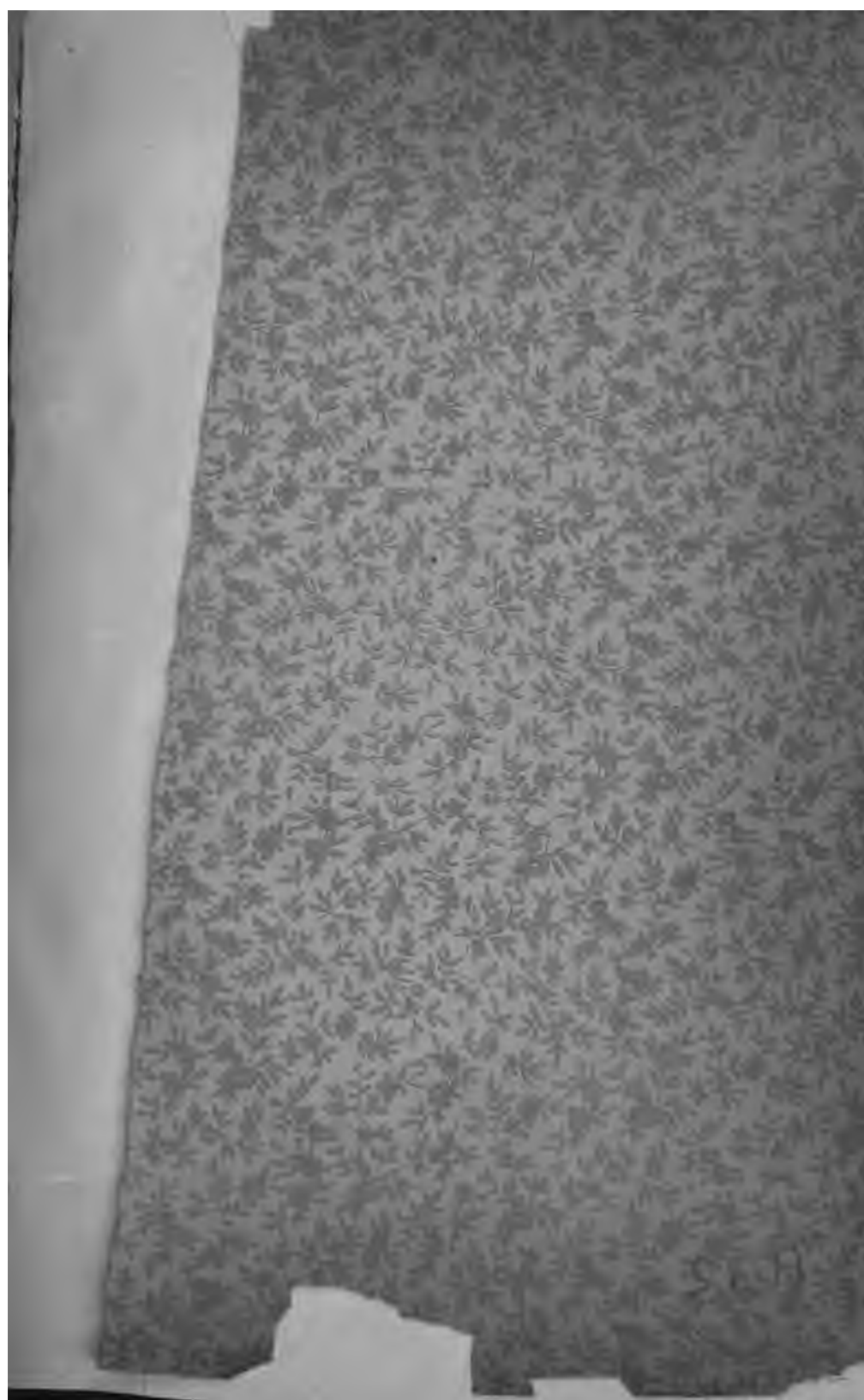


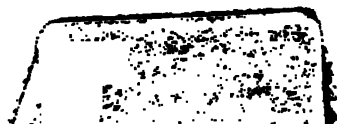
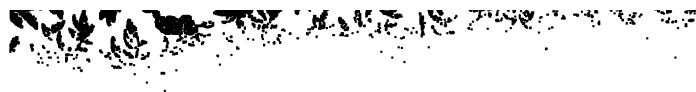


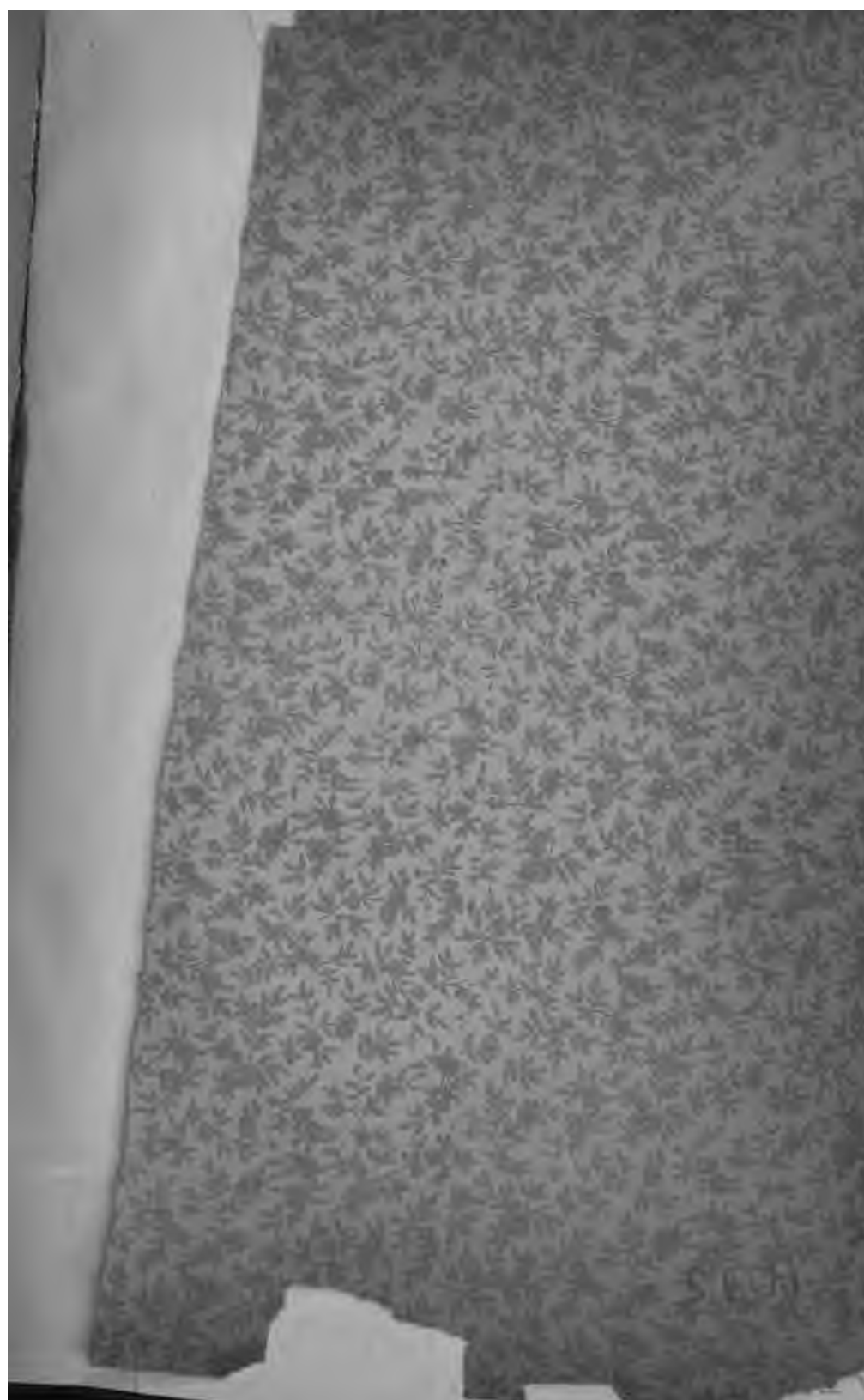














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Oregon
Statute
C.F.R.

Oregon. Statutes

Elections Orego

PUBLISHED BY AUTHORITY.

THE
ELECTION LAWS

OF THE

STATE OF OREGON

AND OF THE

United States of America

IN

So far as they Relate to the Conduct of Elections and the Duties of
Officers in Connection Therewith.

Also other Statutes and Information Relating to Elections.

COMPILED AND PUBLISHED BY

HARRISON R. KINCAID,

SECRETARY OF STATE.



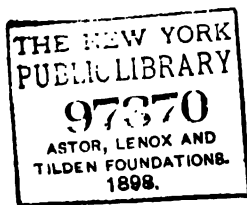
SALEM, OREGON:

W. H. LEEDS, STATE PRINTER,

1897.

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☆ OPF. SEC. STATE



EXPLANATORY NOTE.

OFFICE OF THE SECRETARY OF STATE, }
SALEM, Oregon, December 1, 1897. }

Section 69 of the election laws of Oregon makes it the duty of the secretary of state, not less than six months before every biennial election, to compile and index and cause to be printed in pamphlet form the election laws, and to distribute the same to the several county clerks in the state in appropriate quantities. In performing this duty, I have endeavored to present, in this pamphlet, in the most convenient order, all the laws of the United States and of the state of Oregon concerning the election and qualification of all officers in the state of Oregon, and prescribing the qualifications of voters and the duties of election officers, with such brief notes and comments as will aid voters in exercising their rights and election officers in performing their duties. In doing this I have eliminated from the election laws as heretofore published a number of sections, inserting in lieu thereof later statutes, and have added new matter described as follows:—

A condensed statement of the laws fixing the dates of elections; the time for filing nominations, and the dates for taking office when elected; the United States statutes defining citizenship and governing the conduct of voters at elections; the laws defining the commencement and close of the term of office of all state, judicial, district, and county officers, with brief explanatory notes. The old law fixing the time when supreme judges take their office contained in former editions, has been omitted from this pamphlet, and in its stead the statute now in force inserted. The act dividing Oregon into congressional districts and providing for the election of congressmen is deemed part of the election laws of Oregon, and is added as new matter to this pamphlet. The various statutes dividing Oregon into judicial districts, those governing the election and

qualification of circuit judges, prosecuting or district attorneys, and the act governing the election and qualification of members of the board of equalization have all been selected from the various statutes of this state and added as new matter. An endeavor has been made to collect and publish all the more important statutes authorizing the election of, and prescribing the time of the commencement and close of the term of office of all county officers, from county judge to justice of the peace. These statutes have never before been published with the election laws. Section 2562 of Hill's Code fixing the time for the meeting of presidential electors as heretofore published is omitted from this compilation, being inoperative, and a later United States statute, which is now followed is inserted in this compilation in full; also from the United States statutes are taken those acts defining crimes against the elective franchise and added to this edition; also from the miscellaneous statutes of Oregon are collected the laws dividing Oregon into senatorial and representative districts for legislative purposes. This is also new matter. I have added to the election laws as heretofore published a condensed compilation of the United States statutes governing the naturalization of aliens. These, with the only constitutional amendment now pending, are published as new matter in this pamphlet in addition to the local statutes heretofore published.

I trust that the extra labor and time required in compiling and rearranging this pamphlet in a new form with many additions will be appreciated by the electors of the state of Oregon.

Respectfully submitted,

H. R. KINCAID,
Secretary of State.

. THE LAW AUTHORIZING THIS PUBLICATION.

Section 68 of the election laws of Oregon, page 1194, g, Hill's Code, authorizing the publishing of this volume, reads as follows:—

“Section 68. It shall be the duty of the secretary of state, not less than six months before every biennial election in this state, to compile the election laws of the state and index the same and cause the same to be printed in suitable pamphlet form, for the use of the judges of election, also suitable poll-books, required by and in accordance with section 22 of this act; also tally-sheets, required by and in accordance with section 24 of this act; also ‘Register of Nominations’ books required by section 39 of this act; also receipts, required by and in accordance with section 55 of this act; needles for stringing ballots and stubs, as required by sections 23 and 64 of this act, and indelible ‘copying’ pencils, suitable for canceling the names of candidates not voted for, as required by section 59 of this act; and he shall forthwith proceed and distribute the same to the several county clerks in the state, in appropriate quantities. The bills for furnishing said pamphlet copies of the election laws, for ruling, printing and binding such poll-books, blanks, receipts, register of nominations and tally-sheets and procuring said needles and pencils, and for preparing and delivering the same, as required by this act, shall be audited by the secretary of state and paid out of any moneys in the treasury not otherwise appropriated.”

Election supplies furnished by secretary of state.

DATES OF ELECTION, TIME FOR FILING NOMINATIONS, ETC.

For the convenience of officers having charge of elections and to assist successful candidates in the matter of qualification for the offices to which they have been elected, and for reference to aid the elector in readily determining important dates, I have condensed from various statutes published in this pamphlet the information which follows:—*H. R. Kincaid, Secretary of State.*

1. General state election first Monday in June in 1898 and biennially thereafter.
2. Election of electors for president and vice-president of the United States to be held on Tuesday next after first Monday in November, 1900, and in each four years thereafter.
3. Certificates of nominations and acceptances of candidates for state and congressional offices, when such nomination is made by convention, are to be filed with the secretary of state, not less than forty-five or more than one hundred days before the election.
4. Certificates of nomination and acceptances of candidates for state and congressional offices, when made by petitions of electors to be filed with secretary of state not less than thirty or more than one hundred days before the election.
5. Certificates of nomination and acceptances of candidates for district, county and precinct offices, when made by convention, to be filed with the county clerk, not less than thirty or more than one hundred days before an election.
6. Certificates of nomination and acceptances of candidates of district, county and precinct offices when made by petitions of electors, to be filed with county clerk, not less than fifteen or more than one hundred days before the election.
7. Duplicate certificates of nomination of candidates for district offices, except for the offices of congressmen to be filed in the office of the county clerk in each county embraced in the district.

8. Returns of elections are to be canvassed by county clerks within ten days after the election.

9. Returns of elections for state, congressional and district officers are to be canvassed by the secretary of state within thirty days after the election.

10. All county and precinct officers, excepting county judges and county assessors, all district officers, excepting congressmen, and all justices of the supreme court, assume the duties of the office to which they have been elected on the first Monday in July next following their election.

11. There is no statute specifically defining the commencement and close of the term of the office of county judge. Custom and precedent have been for the newly elected judge to take his office on the first Monday in July along with other county officers. It would seem, however, more in accordance with law for county judges to assume the duties of their office as soon as officially notified of their election by the county clerk, inasmuch as the constitution of Oregon specifies that all officers shall hold office from the date of their election, unless it is otherwise specified by statute.

12. County assessors take their office on the first Monday in January next after their election.

13. All state officers, excepting justices of the supreme court and governor, assume the duties of their respective offices on the second Monday in January next following their election.

14. The governor assumes the duties of his office as soon after the second Monday in January next following his election as the legislature has canvassed and announced the vote cast for him, which usually takes place on the Tuesday or Wednesday next after the second Monday in January following each general election at which a chief executive is elected.

15. Members of the legislature hold office from the next day after the day of their election during the term for which they are elected. This is the wording of the constitution and is hardly practicable. In practice, members of the legislature hold office from the time they are officially informed of their

election during the period for which they are elected. They are usually sworn in and enter upon their duties on the second Monday in January next following their election, but may qualify sooner should they be convened in extraordinary session by the chief executive.

16. Congressmen take their office on the fourth of March next following their election. It is thus nine months from the date of their election until they assume the duties of their office.

UNITED STATES STATUTES DEFINING CITIZENSHIP.

(Revised Statutes U. S., Page 351).

§ 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Native born persons.

§ 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Children born abroad.

§ 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized shall be deemed a citizen.

Married women.

§ 1995. All persons born in the district of country formerly known as the territory of Oregon, and subject to the jurisdiction of the United States on the 18th day of May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Persons born in former territory of Oregon.

§ 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the president, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizenship thereof.

Army deserters forfeit right of citizenship.

§ 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held

Certain soldiers and sailors exempted.

to be a deserter from the army or navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred under the preceding section, by the loss of citizenship and of the right to hold office in consequence of his desertion.

*Defining an
army de-
serter.*

§ 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996.

*Right of ex-
patriation
declared.*

§ 1999. Whereas, the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas, in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas, it is claimed that such American citizens, with their descendents, are subjects of foreign states, owing allegiance to the government thereof; and whereas, it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the republic.

*Naturalized
citizens pro-
tected in for-
eign states.*

§ 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this government the same protection of persons and property which is accorded to native born citizens.

UNITED STATES STATUTES RELATIVE TO THE ELECTIVE
FRANCHISE.

(Revised U. S. Statutes, Page 3537.)

§ 2003. No officer of the army or navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any state, or in any manner interfere with the freedom of any election in any state, or with the exercises of the free right of suffrage in any state.

*Interference
by army or
naval officers.*

§ 2.04. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any state, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any state or territory, or by or under its authority, to the contrary notwithstanding.

*Race, color,
or previous
condition
not to affect
the right to
vote.*

PROVISIONS OF THE CONSTITUTION OF OREGON RELATING TO ELECTIONS.

ARTICLE II OF CONSTITUTION—SUFFRAGE AND ELECTIONS.

*Feb. 14, 1899.
Elections
free.
Qualifications
of electors.*

§ 1. All elections shall be free and equal.

§ 2. In all elections not otherwise provided for by this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the state during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty-one years and upwards, who shall have resided in this state during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

Right of suffrage not confined to white persons.—The effect of the Fifteenth Amendment to the national constitution, "is to deprive the provisions of the state constitution and the acts of the state legislature restricting the exercise of the right of suffrage to white persons, of all legal force and efficacy": *Wood v. Fitzgerald*, 3 Or. 579.

Registration law.—This section of the constitution prescribes the qualifications of electors, and the legislature cannot add others. In the exercise of its power to make laws for the prevention of fraud in elections, the legislature cannot make any regulation which incidentally requires qualifications not prescribed by the constitution. A statute requiring previous registration as a condition of exercising the right to vote, in effect prescribes a qualification in addition to those specified by the constitution, and is therefore void: *White v. County Commissioners*, 13 Or. 317.

Women ineligible to hold office.—An act of the legislative assembly of 1893 (Laws, 1893, page 62), making women eligible to educational offices, is unconstitutional as applied to the office of county superintendent of schools. Only male citizens are electors and eligible to county offices within the meaning of article VI, section 8, and article II, section 2, state constitution: *State ex. rel. v. Stevens*, 29 Or. 484.

§ 3. No idiot or insane person shall be entitled to the privileges of an elector; and the privilege of an elector shall be forfeited by a conviction of any crime which is punishable by imprisonment in the penitentiary. Feb. 11, 1889.
Idiot, insane, or convict.

Executive pardon restores privileges of an elector.—This section does not operate as a restriction upon the pardoning power. A pardon by the governor restores to the person receiving it the privileges of an elector forfeited by crime.—*Wood v. Fitzgerald, et al.* 3 Or. 568.

§ 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this state; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; or while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison. Residence.

Employee may gain residence.—Though an employee of the United States, or of the state, does not gain or lose a residence by reason of his presence or absence in such service, he may, by appropriate steps, gain a residence at such point as he may desire, independently of such employment: *Wood v. Fitzgerald*, 3 Or. 568. Residence is a question of intention as well as of fact. mere inhabitancy, without the intention of acquiring a residence, would not make one a resident so as to entitle him to the privileges of an elector; *People v. Peralta*, 4 Cal. 175; *Devlin v. Anderson*, 88 Cal. 92.

§ 5. No soldier, seaman, or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the state in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote. Soldiers, seamen, or marines not to vote.

§ 6. No negro, chinaman, or mulatto shall have the right of suffrage. Negroes, Chinamen, etc.

Effect of constitutional amendments.—Negroes and mulattoes born or naturalized in the United States and subject to the jurisdiction thereof, by virtue of the Fourteenth Amendment, are now citizens of the United States, and the state wherein they reside, and therefore by virtue of the Fifteenth Amendment are entitled to the right of suffrage in this state the same as white citizens; and the same is true of all persons, born or naturalized in the United States, and subject to the jurisdiction thereof: *The Slaughter-house Cases*, 16 Wall, 36.

*Feb. 14, 1889.
Bribery at
elections.*

§ 7. Every person shall be disqualified from holding office during the term for which he may have been elected who shall have given or offered a bribe, threat, or reward to procure his election.

Offer of bribe or reward.—A promise by a candidate for county office to the voters of his county that if elected he will pay a certain part of the salary of the office into the county treasury, though very objectionable on the grounds of public policy, is not an offer of a bribe or reward within the meaning of this section, unless the voters sought to be influenced thereby are taxpayers of the county, or would in some way be benefited by the performance of the offer: *State ex rel. v. Dustin*, 5 Or. 375.

*Laws con-
cerning elec-
tions.*

§ 8. The legislative assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting election, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

Duels.

§ 9. Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the state to fight a duel, shall be ineligible to any office of trust or profit.

*Lucrative
offices.*

§ 10. No person holding a lucrative office or appointment under the United States, or under this state, shall be eligible to a seat in the legislative assembly; nor shall any person hold more than one lucrative office at the same time, except as in this constitution expressly permitted; *provided*, that officers in the militia, to which there is attached no annual salary, and the office of postmaster, where the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

Lucrative office.—A deputy collector of internal revenue is such an office or appointment: *Herman's Case*, Sen. Jour. 1870, p. 32.

*Collector,
when ineligi-
ble to office.*

§ 11. No person who may hereafter be a collector or holder of public money, shall be eligible to any office of trust or profit, until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

§ 12. In all cases in which it is provided that an office shall not be filled by the same person more than certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term. Feb. 14, 1859.
Appointment
pro tempore.

§ 13. In all cases except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger. When electors
free from
arrest and
military
duty.

§ 14. General elections shall be held on the first Monday of June, biennially. General
elections,
when held.

§ 15. In all elections by the legislative assembly, or by either branch thereof, votes shall be given openly or *viva voce* and not by ballot, forever, and in all elections by the people, votes shall be openly or *viva voce* until the legislative assembly shall otherwise direct. Votes to be
given
viva voce.

§ 16. In all elections held by the people under this constitution, the person or persons who shall receive the highest number of votes shall be declared duly elected. Plurality
shall elect.

§ 17. All qualified electors shall vote in the election precinct in the county where they may reside for county officers, and in any county in the state for state officers, or in any county of a congressional district in which such electors may reside for members of congress. Electors.

Place of voting.—When an individual is a *bona fide* resident of a county, but has no fixed residence or domicile in any particular precinct therein, he may vote in any precinct in which he finds himself on the day of election: *Wood v. Fitzgerald, et al.* 3 Or. 56.

STATUTES OF OREGON GOVERNING ELECTIONS.

THE "AUSTRALIAN BALLOT" LAW."

Feb. 15, 1891.
Title of the act. An act fixing the time for holding elections; regulating the manner of conducting state, district, county, and precinct elections; prescribing the manner of making nominations of candidates; providing for printing and distributing ballots by public officers at public expense; to prevent frauds and punish crimes affecting the right of suffrage; to repeal all of an act entitled "An act to provide for the registration of voters, regulating the manner of conducting elections, providing for the prevention and punishment of frauds affecting the elective franchise, and repealing title I of chapter XIV of the miscellaneous laws of Oregon, approved February 24, 1885"; to repeal all of an act entitled "An act to amend sections 4, 10, 14, 15, and 24 of an act entitled 'An act to provide for the registration of voters, regulating the conducting of elections, providing for the prevention and punishment of frauds affecting the elective franchise, and repealing title I of chapter XIV of the miscellaneous laws of Oregon, approved February 24, 1885,' approved November 25, 1885"; to repeal all of an act entitled "An act to amend section 49 of 'An act entitled an act to provide for the registration of voters, regulating the manner of conducting elections, providing for the prevention and punishment of frauds affecting the elective franchise, and repealing title I of chapter XIV of the miscellaneous laws of Oregon, approved February 24, 1885,' approved November 25, 1885"; to repeal all of an act entitled "An act relating to elections, approved October 19, 1892"; to repeal sections 26, 27, and 28 of an act entitled "An act relating to elections, and the mode of filling vacancies in office, approved October 29, 1870"; to repeal all of an act entitled "An act to amend section 2507 of Hill's annotated laws of Oregon, relating to elections and ballot paper, approved February 20, 1889," the same being identical with titles I and II of chapter XIV, sections 2499 to 2537, both inclusive, of the miscellaneous laws of Oregon, as compiled and annotated by William Lair Hill, and to repeal all acts and parts of acts in conflict with this act.

Be it enacted by the Legislative Assembly of the State of Oregon:—

General election, when held; what officers elected.

Section 1. A general election shall be held in the several election precincts in this state on the 1st Monday in June, 1892, and biennially thereafter, at which there shall be chosen so many of the following officers as are by law to be elected in such year, namely: A governor, secretary of state, state treas-

urer, superintendent of public instruction, state printer, justices of the supreme court, members of congress, circuit judges, members of the state senate and house of representatives, county judges, district attorneys, county superintendents of common schools, commissioners of the county court, county clerks, sheriffs, county treasurers, coroners, assessors, county surveyors, justices of the peace and constables, and all other state, district, county, and precinct officers provided by law.

Section 2. It shall be the duty of the county court in the several counties of the state, at the regular term in January preceding the general election, to set off and establish election precincts within the county. Said court may set off and establish within such county as many election precincts as may be deemed necessary or convenient, and they shall be designated by numbers or names; *provided*, that no election precinct shall contain more than two hundred and fifty electors, as nearly as can be ascertained by the court, and the order setting off and establishing each election precinct shall particularly bound the same and designate one polling place therein.

Election precincts, county court must establish; maximum number of electors each shall contain.

Section 3. The county court shall also, at said January term, appoint for each of said election precincts three capable and discreet persons possessing the qualifications of electors, who shall not all be of the same political party, to act as judges of elections, and shall designate one of the three to be chairman; and shall also appoint two suitable persons, having the qualifications of electors, and who shall be of different political parties, to act as clerks of election. The said judges and clerks so appointed shall hold their offices for two years. The county clerk shall make out and deliver to the sheriff of the county, immediately after the appointment of said judges and clerks, a notice thereof in writing, directed to each judge and each clerk so appointed.

Judges and clerks, by whom appointed.

Section 4. Immediately after the appointment of said judges and clerks, before any general election, and at least twenty days previous to any election, the county clerk shall deliver to the sheriff of the county three notices of the election for each election precinct in said county. Said notice shall be in the following form:—

Notice of election to be issued by county clerk.

ELECTION NOTICE.

*Feb. 13, 1901.
Form of.* Notice is hereby given that on the . . . day of . . . , 18. . .
at the . . . in the precinct of . . . , in the county
of . . . , an election will be held for state, district, county
and precinct officers, namely: (Here name the offices to be
filled); which election will be held at eight o'clock in the morn-
ing, and will continue until six in the afternoon of said day.
Dated this . . . day of . . . , 18. . .
. . . , County Clerk.

*Notice of
appointment,
the sheriff to
serve.*

It shall be the duty of the sheriff, within thirty days in the
case of any general election, and within ten days in the case of
any special election, after the receipt of said notices, to serve
the notices of appointment upon each of the said judges and
clerks, and post the three election notices in public places in
the vicinity of each polling place.

*Chairman,
who shall
act as.*

Section 5. The said judges and clerks shall meet at their re-
spective polling places designated in said notices at the time
prescribed for holding a general or special election, to act as
judges and clerks of said election. The judge appointed chair-
man by the county court shall act as chairman, if he be pres-
ent, and if not, the judges shall elect one of their number
chairman.

*(Oath of
judges and
clerks of
election.*

Section 6, Before entering upon the discharge of their du-
ties, the said judges and clerks shall each take and subscribe
the following oath in each of the poll-books, which oath shall
be administered by any officer authorized to administer oaths,
or the chairman, if he be present, and if not, then by one of
the judges:—

"I, . . . , do solemnly swear (or affirm) that I will
perform the duties of judge of election (or clerk, as the case
may be,) according to law; that I will studiously endeavor to
prevent fraud, deceit and abuse in conducting the election."

*Judges of
election
chosen by
bystanders
when.*

Section 7. In case one or more of said judges of election shall
not be present at the time prescribed for opening the polls, the
electors present may elect a qualified person from their num-
ber to act as such judge of election.

Section 9. In case one or more of said clerks shall not be present at the time of opening the polls, the judges of election shall appoint a suitable person to act as clerk of said election.

*Feb. 13, 1891.
Appointment
of clerks
by judges,
when.*

Section 9. All general or special elections hereafter held in this state shall be conducted under the provisions of this act, and the polls shall be opened at the hour of eight in the forenoon, and continue open until six o'clock in the afternoon of the same day, at which time the polls shall be closed. Prior to opening the polls, the chairman of said judges of election shall make public proclamation of the same, and thirty minutes before closing of the polls public proclamation shall be made by the same officer that the polls will be closed in half an hour. The judges, in their discretion, may adjourn the polls at one o'clock for one hour, proclamation of the same being made, but the judges and clerks shall keep together, and at no time shall more than one of them be out of the presence of the others. The ballot-boxes, pollbooks, ballot-stubs, and tally-sheets shall be constantly kept together in the presence and view of at least four of the said officers from the opening of the polls until the count is completed and the returns signed and sealed as hereinafter provided; and after the count has once begun, it shall continue until fully completed, without any adjournment, and in the presence of all judges and clerks.

*Polls open
during what
hours.*

Section 10. In all special elections, the certificates of nomination may be filed at any time between the date of the writ authorizing the election and the time of holding the election, and in all other matters and proceeding therein the provisions of this act shall apply so far as the same are applicable to such special election.

*Certificates
of nomina-
tion may be
filed when.*

Section 11. It shall be the duty of each judge or clerk of election, or any elector present, to challenge any person offering to vote whom he shall know or suspect not to be qualified as an elector.

*Challenge by
judges.*

Section 12. If a person offering to vote is challenged as unqualified by any one enumerated in section 11, the chairman of the said judges shall administer to him the following oath or affirmation: "You do solemnly swear (or affirm) that you will

*Proceeding
on vote
being chal-
lenged.*

Feb. 13, 1891. fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election?" The chairman shall then propound such questions to the person challenged as may be necessary to test his qualifications as an elector at that election. The judges may hear other testimony and consider such other evidence as is proper upon the question. If all the judges cannot agree, the majority of the judges shall decide the matter.

*Vote to be
rejected,
when.*

Section 13. If the person so challenged shall refuse to answer fully any question touching his qualifications as an elector which may be put to him, the judges shall reject his vote.

*Oath when
challenge
not with-
drawn.*

Section 14. If the challenge be not withdrawn after the person offering the vote shall have answered the questions put to him as aforesaid, the chairman of said judges shall administer to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such one year next preceding this election; that you are of the age of twenty-one years; that you have been a resident of this state for six months next preceding this election; that you now reside in in this precinct; that you have not yet voted at this election, and that your true name is as you represent it to be." If the elector only claims the right to vote for state, or district and state officers, the oath shall be modified accordingly.

*"Challenged
and sworn,"
etc., to be
written ap-
posite name.*

Section 15. Whenever any person's right to vote shall be challenged, and he has taken the oath prescribed by section 14, it shall be the duty of the clerks of election to write on the pollbooks at the end of such person's name the words "challenged and sworn," and the further words "rejected," or "voted," according to the fact.

*Rules for
determining
residence.*

Section 16. The judges of election, in determining the residence and qualifications of persons offering to vote, shall be governed by the following rules, so far as the same may be applicable:—

1. The place shall be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person shall not be considered or held to have lost his residence who shall leave his home and go into another state or territory or county of this state for a temporary purpose only. Feb. 13, 1891.

3. A person shall not be considered or held to have gained a residence in any county of this state into which he shall come for temporary purposes only, without the intention or making said county his home, but with the intention of leaving the same when he shall have accomplished the business that brought him into it.

4. If a person remove to any other state, or to any of the territories, with the intention of making it his permanent home, he shall be considered and held to have lost his residence in this state.

5. The place where a married man's family reside shall be considered and held to be his residence.

6. The place where an unmarried man sleeps shall be considered and held to be his residence.

7. If a person shall go from this state into any other state or territory and there exercise the right of suffrage, he shall be considered and held to have lost his residence in this state.

8. All qualified electors shall vote in the election precinct in the county where they may reside for county officers, and in any county in the state for state officers, or in any county of a congressional district in which such electors may reside for members of congress.

Section 17. It shall be the duty of the judges of election, or the chairman thereof, immediately before proclamation is made of the opening of the polls, to open the ballot-boxes in the presence of the people there assembled, and turn the same upside down, so as to empty the said boxes of any thing that may be in them, and then lock said boxes securely, and they shall not be reopened until for the purpose of counting the ballots therein at the close of the election. During the election one of the judges, other than the chairman, shall have the custody of the keys. Ballot-boxes to be opened in presence of people.

Section 18. In all incorporated cities and towns in this state, no person shall approach or stand within fifty feet of the Persons not to stand around polls.

*Feb. 13, 1891.
Persons not
to stand
around polls.* polls when open for the purpose of receiving votes, except such peace officers as are particularly selected or appointed by the judges to preserve order or enforce the law within such limits, and electors actually desiring and proceeding to vote, and but ten electors shall be permitted to approach the polls within fifty feet at the same time; *provided, however,* that the said judges of election shall, if requested, permit one person from each political party, selected by the party, to stand outside the guardrail at the polls, while open for receiving votes, for the purpose of challenging voters; and the said judges of election shall, if requested, permit the respective candidates, or some person selected by a candidate, or by several candidates, or by a political party, to be present in the room, but outside of the guardrail, where the said judges are during the time of receiving and counting of votes. Such selection shall be evidenced by a writing signed by the chairman and secretary of such political party, or by the candidate, or candidates, and presented to and filed with the judges.

*Means of
preserving
order at
polls.*

Section 19. For the purpose of holding elections and preserving order at the polls, the judges of election are hereby appointed and invested with the jurisdiction and authority of justices of the peace during the time of holding elections; and they, or a majority of them, are hereby authorized to impose and enforce a fine not exceeding fifty dollars for each offense, to be applied to the benefit of the school fund, on any person or persons who shall conduct themselves in a disorderly or riotous manner at the polls, and shall persist in such conduct after having been warned of the consequences, or who shall refuse to move from the polls fifty feet when directed, or on any person who shall be detected in the commission, in the immediate presence of the judges, of any offenses defined by this act, and on the refusal or neglect to forthwith pay the same to the chairman, to commit him or them to the common jail of the county for any time not exceeding twenty-five days, or until the fine is paid; and the sheriff, deputy sheriff, constable and jailor and policeman of any incorporated city or town are hereby required to forthwith execute said order as though it

had been issued by a magistrate in due form of law. If no sheriff, deputy sheriff, constable or policemen be present, the judges may appoint a special constable or constables to execute their order. Feb. 13, 1891.
Means of
preserving
order at
polls.

Section 20. There shall be allowed by the county court of each county to the several judges and clerks of elections three dollars per day while holding elections, and to the person carrying the pollbook, tally-sheet, ballot-boxes and ballot-stubs, and other property from the place of election to the clerk's office, the sum of ten cents per mile for going and returning, to be paid out of the county treasury; and each county court shall audit and pay out of the county treasury such fees as the services performed by the county clerk and the sheriff, under this act, are in the judgment of the county court reasonably worth; also such other necessary expenses as are incurred by such officers in carrying out the provisions of this act. Compensation
of judges,
clerks and
messengers.

Section 21. In Multnomah county, and in all other counties which have no county clerk, the clerk of the county court shall perform all the duties required by this act to be done or performed by the county clerks in the other counties, and all things which are required by this act to be done or filed in the office of the county clerk in Multnomah county, and in all other counties having no such office, the same shall be done or filed in the office of the clerk of the county court of such county. In counties
which have
no county
clerk, who
to act.

Section 22. The following shall be the form of the pollbooks to be kept by the judges and clerks of election under this act:— Pollbooks,
form of.

Pollbook of the election held in _____
precinct, in the county of _____, on the _____ day
of _____, in the year 18...

STATE OF OREGON, }
County of _____, } ss.
_____ Precinct. }

We, _____,
and _____, judges of said election, being
first duly sworn, severally say upon oath, I will perform the

Feb. 18, 1891.
Pollbooks,
form of. duties of judge of election according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election.

....., Chairman.
....., Judge.
....., Judge.

Subscribed and sworn to before me this day of
....., 18...

STATE OF OREGON, }
County of } ss.
..... Precinct }

We,
and , clerks
of said election, being first duly sworn, severally say upon
oath, I will perform the duties of clerk of election according
to law, and that I will studiously endeavor to prevent fraud,
deceit, and abuse in conducting the election.

....., Clerk.
....., Clerk.

Subscribed and sworn to before me this day of
....., 18....

A B, chairman; C D and E F, the judges, and G H and J K,
clerks of said election, were respectively sworn (or affirmed)
according to law, previous to their entering on the duties of
their respective offices.

NUMBER AND NAMES OF ELECTORS.

- No. 1. (Name of elector.)
No. 2. (Name of elector)
No. 3. (Name of elector.)

We hereby certify that the number of electors who voted at
the above polling place and election was as follows:—

Voted for state, district county, and precinct officers.... (No.)
Voted for district and state officers..... (No.)

Voted for state officers (No.) Feb. 15, 1891.

Total number of ballots cast (No.)

....., Chairman.

....., Judge.

....., Judge.

....., Clerk.

(Who kept this pollbook.)

....., Clerk.

(Who kept the other pollbook.)

Immediately after the close of the polls, the names of the electors who voted shall be counted, and the number written and certified in each of the pollbooks at the end of the list, and the same shall be immediately signed by the chairman and each of the judges and clerks in the manner indicated above. Pollbooks at-
testing and
counting
names in.

Section 23. Within one hour after the pollbooks are signed in the manner prescribed in section 22, the ballot-boxes shall be opened and the ballots taken out one at a time by the chairman, who shall read and announce distinctly, while the ballot is in his hand, and while one of the judges, not of the same political party as the chairman, looks over ballot, *first*, the number corresponding with the printed name, and also the name of the person voted for each office; *second*, the name of each person whose name has been written in the ballot and the name of the office for which the ballot is to count; then deliver the ballot to the second judge, who shall examine the same and who shall pass it to the third judge, who shall also examine the same, and immediately fold it and strung it on a strong string, and carefully preserve the same; and the same method shall be pursued in respect to each of the ballots in the ballot-box until all of the ballots are taken out of the ballot-box. The ends of the string upon which the ballots have been strung shall then be securely knotted and united and sealed under the signatures and seals of the judges and clerks of the polling place. Opening bal-
lot-box.

Section 24. The following shall be the form of the tally-sheets kept by the judges and clerks of the election under this act:— Tally-sheets,
form of.

*Feb. 13, 1891.
Tally-sheets,
form of*

Tally-sheet of the election held at precinct, in the county of, on the day of, in the year of 18.., containing the number and name of each person voted for, the particular office each person was voted for, the total number of votes cast for each candidate, and the tally or count as it was kept by each of the clerks.

No.	Names of candidates.	Office.	Total votes received.	No.	Tally 10.	No.	Tally 20.	No.
12				12				12
13				13				13

We hereby certify that at the above election and polling place each of the foregoing named persons received the number of votes set opposite his name, as above set forth, for the office specified.

..... Clerk.

(Who kept this sheet)

....., Chairman.

....., Judge.

....., Judge.

....., Clerk.

(Who kept the other sheet)

*Tally sheets,
clerks shall
prepare copy
of and post.*

During the count of the ballots each clerk shall, with pen and ink, keep tally upon one of the above tally-sheets, and shall prepare the certificate thereto above indicated; and immediately upon the completion of the count, both clerks shall sign the tally-sheets, and each of them shall certify which sheet was kept by him, and the chairman and the judges, being satisfied of the correctness of the same, shall then sign both of said tally-sheets. The clerks shall then prepare a copy of that portion of one of said tally-sheets showing the number and name of each candidate, and the office and total votes received by each, and of the certificate thereto, which copy shall be signed by the judges and clerks, and immediately posted in a conspicuous place on the outside of said polls, there to remain for ten days.

Section 25. Immediately after canvassing the votes in the manner aforesaid, the judges, before they separate or adjourn, shall enclose the pollbooks in separate covers and securely seal the same. They shall also enclose the tally-sheets in separate envelopes and seal the same securely. They shall also enclose the ballots and stubs strung on strings, as aforesaid, and seal all the same securely. And they shall, in writing, with pen and ink, specify the contents and address each of said packages upon the outside thereof to the county clerk of the county in which the election precinct is situated.

*Feb. 13, 11
Pollbook
etc., to l
address
county cl*

Section 26. One of the tally-sheets, the pollbook which was kept by the second clerk, the ballots and stubs, the ballot-boxes and remaining supplies shall be forthwith conveyed by one of the judges or clerks of the election, to be agreed upon for that purpose by the judges, to the county clerk of the county. The remaining tally-sheet and pollbook, enclosed in an envelope and cover, and sealed securely, as aforesaid, addressed and endorsed on the outside so that the same can be identified, shall be forthwith deposited with one of the judges not of the same political party as the judge or clerk who conveys the duplicates to the county clerk, to be kept by him safely, subject to the control of the proper court.

*Judges n
of the sa
party, wh
to be de
posited w*

Section 27. In the canvass of the votes only white ballots furnished under the provisions of this act shall be counted, and any ballot from which it is impossible to determine the elector's choice for any of the offices shall be void and shall not be counted.

*What ball
shall be
counted*

Section 28. The judges shall carefully envelope all ballots cast which are rejected or defective, and not counted for any office, and seal the same securely and address the same to the county clerk, and endorse the same so that they may be identified, and shall transmit the same along with the other ballots to the county clerk, as aforesaid. The chairman shall write with pen and ink upon the back of every such ballot, immediately after the same is discovered, the words "Wholly defective," and sign his initials thereto.

*Rejected
defectiv
ballots, a
posed u*

*Feb. 13, 1891.
Rejected or
defective bal-
lots, disposal
of.*

Section 29. Any ballot from which it is possible to determine the elector's choice for a part of the offices shall be counted for such part, but the remainder of the ballot from which it is impossible to determine the elector's choice shall be void as to such defective part, and such defective part shall not be counted. The judges shall disregard misspelling or abbreviations of the names of candidates for office if it can be ascertained from such ballot for whom it was intended. Every such ballot not counted for any party shall be immediately endorsed on the back thereof with pen and ink, by the chairman, "Not counted for . . . , " (stating what office or offices,) who shall sign his initials thereto.

*"State and
district" and
"state" bal-
lots, how
counted.*

Section 30. In the canvass of the votes all ballots found in the box marked "State and district," which are marked "State," as provided in section 61 of this act, shall be considered and counted only for such state offices as are to be filled at the election, and all ballots so marked "State and district," as provided in said section 61, shall be considered and counted only for such state and district offices as are to be filled at the election, and the names of persons thereon for other than state or district offices shall not be considered or counted.

*Convention
of delegates,
what con-
stitutes. As-
sembly of
electors.*

Section 31. Any convention of delegates, and any assembly of electors, as hereinafter defined, and also individual electors to the number hereinafter specified, by causing a certificate of nomination to be duly prepared and filed in the manner hereinafter provided, may nominate one candidate for each public office to be filled at the election, whose name shall be placed upon the ballots to be furnished as hereinafter provided. A convention of delegates, within the meaning of this act, is an organized body of delegates representing a political party, which, at the election next preceding, polled at least three per cent, of the entire vote cast in the state, county, precinct, or other electoral district for which the nomination is made. An assembly of electors, within the meaning of this act, is an organized body of not less than one hundred electors of the state, or electoral division thereof for which the nomination is made.

Section 32. Every such certificate of nomination made by such convention or assembly may contain the name of one candidate for each office to be filled at the election. It shall state such facts concerning the convention or assembly as are required by section 31 of this act for its acceptance, and as are required to be stated therein by section 34 of this act. In conclusion, it shall be signed by the presiding officer and the secretary of the convention or assembly by which it purports to be made, and an affidavit shall be made thereon by such presiding officer and secretary, and subscribed and sworn to (or affirmed) by them before some person authorized to administer oaths, to the effect that the statements therein are true, and the certificate of the oath or affirmation shall accompany the certificate of nomination.

*Feb. 13, 1931.
Certificates of
nomination,
what may
contain.*

Section 33. Every such certificate of nomination made by individual electors, as aforesaid, of a candidate for any office to be filled by the electors of the state at large, or for member of congress, shall be signed by not less than two hundred and fifty (250) electors of this state; and of a candidate for an office to be filled by the electors of an electoral district or county of the state, shall be signed by not less than fifty (50) electors of such district or county; and of a candidate for any office to be filled by the electors of a precinct, or for the office of constable or justice of the peace, shall be signed by not less than ten electors of such precinct or justice of the peace district. Each elector signing a certificate of nomination shall add to his signature his place of residence, with the street and [number] thereof, if any, and each elector shall be qualified to subscribe to only one such certificate of nomination for each office to be filled at the election. Except in the case of electors of president and vice-president of the United States, every such certificate of nomination made by individual electors shall contain the name of only one candidate. At least two of the signers to each such certificate of nomination made by individual electors, shall swear (or affirm) before some person authorized to administer oaths, that the statements and signatures therein are true, and that the requisite number of signers thereto are

*Certificate of
nomination,
number of
electors re-
quired to
sign.*

Feb. 13, 1891. qualified to make such nomination, and the certificate of such oath or affirmation shall be annexed to the certificate of nomination.

Certificate of nomination, what shall contain.

Section 34. All certificates of nomination shall state such facts as are required by this act, and also (1) the name of the name of the candidate; (2) the office for which he is nominated; (3) the party or political principle which he represents, expressed in not more than three words; (4) his place of residence, with street and number thereof, if any. In case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president they represent may be added to the party or political appellation, and the names of all the nominees for electors of president and vice-president may be upon the same certificate of nomination.

Disqualification of elector, nonelector, and candidate, when.

Section 35. No person who is not an elector shall be qualified to join in nominating any candidate. No elector shall be qualified to join in a certificate of nomination made by individual electors in nominating more than one person for each office to be filled. No person shall be qualified to be a candidate for more than one office to (be) filled at the same election.

Acceptance of nominee.

Section 36. A certificate of nomination may be accompanied by the acceptance of the nominee, in which case the acceptance shall be endorsed upon the certificate of nomination and signed by the nominee, or it may be by a letter or telegram from the nominee attached to the certificate of nomination and filed therewith. If the certificate of nomination is not thus accompanied by the acceptance of the nominee, he may, at any time after the certificate of nomination is filed and before the time for filing nominations for such office has expired, file his acceptance thereof in the same manner in the same office where the certificate of nomination is filed. The officer with whom it is filed shall endorse the same and attach it to the certificate of nomination to which it refers. Several different certificates of nomination may thus be filed nominating the same person; and if the person so nominated so accepts one of said nominations, it shall be sufficient, and shall be equivalent to accepting each one of said nominations to the same office. But unless such

nominee accepts a nomination as a candidate for some office in some one of the ways and within the time aforesaid, he shall not be considered as fully nominated, and his name shall not be placed upon the ballots.

*Feb. 13, 1891.
Acceptance of
nominee.*

Section 37. All certificates of nomination of candidates for offices to be filled by the electors of the state at large and for members of congress shall be filed with the secretary of state. If such certificate of nomination be made by a convention or assembly, it shall be filed with the secretary of state not more than one hundred (100) days and not less than forty-five (45) days before the day fixed by law for the election. If such certificate of nomination be made by individual electors, it shall be filed with the secretary of state not more than one hundred (100) and not less than thirty (30) days before the day fixed by law for the election.

*Certificates of
nomination
for state offi-
cers and con-
gressmen to
be filed with
secretary of
state.*

Section 38. All certificates of nomination of candidates for offices to be filled by the electors of an electoral district other than a congressional district, or county, or precinct, shall be filed with the county clerk of the county; and if such electoral district embraces more than one county, then a duplicate thereof shall be filed with the county clerk of each county within such electoral district. If such certificate of nomination be made by a convention or assembly, it shall be filed with such county clerk or clerks not more than one hundred (100) days and not less than thirty (30) days before the day fixed by law for the election. If such certificate of nomination be made by individual electors, it shall be filed with such county clerk or clerks not more than one hundred (100) days and not less than fifteen (15) days before the day fixed by law for the election.

*For district,
county, and
precinct offi-
cers, with
county clerk.*

Section 39. Immediately after each certificate of nomination is filed, the county clerk shall enter in a book marked "Register of Nominations," the date when the certificate was filed with him, the name of each candidate, the office for which he is nominated, and the name of the party, or convention, or assembly making the nomination, together with the names of the chairman and secretary certifying the same; and in case the

*"Register of
nominations."*

Feb. 13, 1891. certificate of nomination is made by individual electors, the names of the two signers who make oath thereto, and the total number of signatures thereto. As soon as the acceptance or withdrawal of the candidate is filed, it shall also be entered upon said register.

Public records, what shall constitute; possession of. Section 40. All such certificates of nomination, acceptances, and withdrawals, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations; and when a copy of any certificate of nomination, acceptance, or withdrawal is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officer with whom such certificate of nomination was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it. All certificates of nomination, acceptances, withdrawals, pollbooks, tally-sheets, ballots, and ballot-stubs shall be preserved as other records are, for two years after the election to which they pertain, at which time, unless otherwise ordered or restrained by some court, the county clerk shall destroy the ballots and ballot-stubs by fire, without any one inspecting the same.

Nomination, Nominee may cause his name to be withdrawn from. Section 41. Any person who has been nominated and accepted some nomination, as provided in this act, may cause his name to be withdrawn from nomination at any time prior to election, by a writing declining the nomination, stating the reason, signed and acknowledged by him before some officer authorized by the laws of this state to take acknowledgment of deeds, and certified by such officer, and by filing the same with the secretary of state or county clerk or clerks with whom the certificate nominating him as a candidate was filed. Such withdrawal may be sent by telegram to the secretary of state through a county clerk, as provided by section 44 of this act in case of certificates of nomination.

Proper officer shall give notice of withdrawal. Section 42. If any person nominated as herein provided dies or withdraws before the day fixed by law for the election, and the fact of the death becomes known to the satisfaction of the

officer, the secretary of state or county clerk or clerks in whose offices the certificate of nomination nominating such person was filed, shall forthwith give notice by posting a certificate of the fact in a conspicuous place in his office. In every such case the name of the candidate who has died or withdrawn shall not be printed upon the ballots, and if already printed, shall be erased or cancelled before the ballots are delivered to the electors.

*Feb. 13, 1891.
Proper officer
shall give
notice of
withdrawal.*

Section 43. If the original nomination thus vacated was made by a convention or assembly and the convention or assembly can reconvene, it may fill the vacancy before the day fixed by law for the election. If the convention or assembly has delegated to a committee the power to fill such vacancies, such committee may likewise fill the same. In every case where the original candidate dies or withdraws, as many certificates of nomination made by electors to fill the same office shall be filed as are duly presented to the proper officer before the day fixed by law for election. The certificate to fill such vacancy shall substantially conform with the requirements for an original certificate of nomination, and shall be filed with the same officer the original certificate was filed with.

*Vacancy by
whom, when
and how
filled.*

Section 44. When such original certificate of nomination thus vacated was filed with the secretary of state, the certificate to fill the vacancy thus occasioned shall be filed with him, and it may be filed directly with the secretary of state, or in the following manner: It may be presented in duplicate to any county clerk, who shall file one of the certificates in his office, and upon being tendered the cost of transmitting the same, it shall be the duty of such county clerk to forthwith cause the certificate of nomination to be telegraphed to the secretary of state, and repeated back; and he shall also forthwith mail the duplicate thereof by registered letter to the secretary of state. The secretary of state shall file said telegraph copy of the certificate the same as if it was the original, and he shall also file the duplicate when the same arrives by mail. The secretary of state shall, in certifying the nominations to the several county clerks, omit the name or names of all such candidates

*Certificate to
fill vacancy,
with whom
filed.*

*Feb. 13, 1881.
Certificate to
fill vacancy,
with whom
filed.*

filed with him who die or withdraw, as aforesaid, and instead thereof he shall certify the name or names of the persons who have thus been nominated to fill such vacancy. In the event that he has already sent forth his certificate, he shall forthwith certify to each county clerk, by telegraph, if necessary, the name and residence of each person so nominated to fill such vacancy, the office he is nominated for, the party or principle he represents, and the name of the person for whom such nominee or nominees are substituted. Every county clerk shall proceed thereafter in conformity with said later certification.

*Ballots.
Arrangement
of names,
etc., upon
by secretary
of state.*

Section 45. Not more than thirty (30) days and not less than twenty-eight (28) days before the day fixed by law for the election, the secretary of state shall arrange, in the manner provided in this act for the arrangement of the names and and other information upon the ballots, all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him, and accepted by the nominees, in accordance with the provisions of this act, and he shall forthwith certify the same under the seal of the state and file the same in his office, and make and transmit a duplicate thereof by registered letter to the county clerk of each county in the state, and he shall also post a duplicate thereof in a conspicuous place in his office and keep the same posted until after said election has taken place.

*Same subject.
Duty of
county clerk.*

Section 46. Not more than fifteen (15) and not less than twelve (12) days before the day fixed by law for the election, the county clerk of each county shall arrange, in the manner provided by this act for the arrangement of the names and other information upon the ballots, all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him, and accepted by the nominees, and which have been certified to him by the secretary of state, in accordance with the provisions of this act, and he shall forthwith certify the same under the seal of the county court and file the same in his office, and make and post a duplicate thereof in a conspicuous place in his office and keep the same posted until after the election has taken place;

and he shall forthwith proceed and cause to be printed, according to law, the colored or sample ballots and the white ballots required by this act.

*Feb. 19, 1891.
Same subject.*

Section 47. The county clerk of each county shall cause to be printed, according to law, all the ballots required under the provisions of this act, and shall furnish the same in the manner hereinafter provided for the use of all electors in the county. Ballots other than those furnished by the respective county clerks, according to the provisions of this act, shall not be used, or circulated, or cast, or counted in any election provided for in this act.

Printed ballots to be furnished by the county clerk.

Section 48. All ballots designed to be voted shall be printed in black ink upon a good quality of white paper, and shall be alike and of the same size in the same county at the same election. Duplicate impressions of the same shall be printed upon cheaper colored paper, so as to be readily distinguished from the white ballots. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and shall not be voted, and if voted shall not be counted.

Ballots to be printed in black ink upon white paper, etc. Colored or sample ballots.

Section 49. The ballot shall be styled "Official Ballot"; shall state the number or name of the precinct and county they are intended for, and the date when the election is to be held; shall contain the names of all the candidates for offices to be filled at that election whose nominations have been duly made and accepted as herein provided, and who have not died or withdrawn, and shall contain no other names of persons except that, in the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political designation; the name of each person nominated shall be printed upon the ballot in but one place, without regard to how many times he may have been nominated, but there shall be added opposite thereto the party or political designation, expressed in not more than three words for any one party, as specified in each of the certificates of nomination nominating him for the office, and which he has accepted. The names of the candidates for each office shall be arranged under the designation of the office,

*Feb. 29, 1895.
"Official ballot," what it shall contain.*

Feb. 28, 1898.
 "Official bal-
 lot," what it
 shall
 contain.

in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice-president, and for the senate and house of representatives, shall be arranged in groups, as presented in the several certificates of nomination. There shall be left at the end of the list of candidates for each different office blank spaces in which the elector may write the name of any person not printed on the ballot, for whom he desires to vote as candidate for such office. On the left margins of the ballots the name of the uppermost candidate as printed shall be numbered twelve, the next candidate thirteen, the next fourteen, and so on consecutively to the end of the ballot. The blank lines shall not be numbered. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates, and each answer shall be numbered on the left margin as in the case of names of candidates. Each ballot shall have along the top thereof a stub one and one half inches wide, perforated along the lower edge thereof; on the left half of the stub shall be printed the words, "Stub to be torn off by the chairman," and on the right half, "Stub to be torn off by the first clerk." The colored or sample ballots need not be perforated. Immediately below the perforated line shall be printed in capitals these words, "Official ballot for.... precinct, county, June..., 189..." Under this caption shall be printed, in bold-faced type, the words, "Mark between the number and name of each candidate or answer voted for." Below this shall be printed in the manner aforesaid (1) the candidates for state offices; (2) for district and county offices; (3) for precinct offices; (4) for other offices or constitutional amendment or questions submitted to a vote of the people. The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates and his answer to the questions submitted by making a mark to the left of the name of the candidate he wishes to vote, for each office, or to left of the answer he wishes to make to each question submitted. And on the ballot may be printed such words as will

Ballots, how
 printed.

THE SHAW-WALKER
LIBRARY
SERIES AND
PUBLICATIONS

Feb.
1907
lot.
a

aid the elector to do this, as "Vote for one," "Vote for three," "Yes," "No," and the like. The ballot shall be of sufficient length and width to permit this to be properly done. The white ballots shall be arranged and printed in substantially the following form:—[See opposite page.]

*Feb. 25, 1898.
"Official ballot," what it shall contain.
Ballots, how printed.*

Section 50. There shall be provided and furnished for each election precinct not less than four white ballots for each vote cast in such election precinct at the general election next preceding, and a like number of the colored or sample ballots. The colored or sample ballots shall be duplicate impressions of the white ballots, but without perforated stubs. These colored or sample ballots shall be furnished as soon as printed, at any time before the election, by the respective county clerks, in reasonable quantities, to all electors applying for the same; and on the day of the election, under the direction and control of the judges at each polling place, the sample ballot shall be given in reasonable and proper quantities to all electors applying for them.

*Feb. 12, 1891.
Number of ballots to be furnished each election precinct.*

Sample ballots, how distributed.

Section 51. When any vacancy occurs by death or withdrawal aforesaid, and after the printing of the ballots any person or persons are nominated, as aforesaid, to fill such vacancy the county clerk shall, a sufficient time before the election, cause to be prepared and printed, according to law, upon cards of instruction, arranged in the manner herein required for the ballots, the names and information concerning such candidates so nominated to fill such vacancies caused by death or withdrawal; one of such cards, certified by the county clerk shall be posted and kept posted in plain view in each compartment or place provided for preparing the ballots in each polling place, and the same shall also be posted in the county clerk's office from the time the same is prepared until after the election.

Cards of instruction concerning withdrawn candidates.

Section 52 It shall be the duty of the county clerk of each county to cause the name of each nominee who has thus withdrawn or died to be cancelled upon the white ballots, and also the colored ballots, before they are given out to the electors. If said ballots have been already forwarded to the several election precincts, the county clerks shall, if there is time, certify

Name of withdrawn nominee to be cancelled upon white ballots.

Feb. 13, 1891.
Name of withdrawn nominee to be cancelled upon white ballots.

the matter to the judges of the several election precincts, and then it shall be the duty of the judges of such election precincts, in accordance with such certification, to see that the name of each candidate who has thus withdrawn or died is cancelled upon the white and colored ballots before they are given out to the electors, and also that such cards of instruction, or lists of the candidates nominated to fill such vacancy, are duly posted in each compartment or place provided for preparing the ballots before the ballots are given out to the electors.

Ballot-boxes, who shall provide. How marked, etc.

Section 53. It shall be the duty of the county clerk of each county to provide for each election precinct within such county one large and one smaller ballot-box, the larger one of which shall be used for the reception of all general ballots deposited, and the smaller one for all ballots cast only for state or district officers. Said larger boxes shall be marked "General," and the smaller "State and district," respectively. Each of such ballot-boxes shall be provided with a lid fastened with hinges, and a good lock and key. The lid shall form the top of the box, and contain an opening or slot five inches long and one quarter of an inch wide for the reception of ballots. All ballots cast by electors entitled to vote for all the officers to be elected at the election shall be deposited in the box marked "General." All ballots cast by electors qualified only to vote for state and district officers shall be deposited in the box marked "State and district."

County clerk shall deliver to sheriff.

Section 54. A sufficient time, and not less than five days before the opening of the polls at any election provided for in this act, the county clerk of each county in which the election is to be held shall deliver to the sheriff of the county for use at each polling place in the county,—

- Ballots.* 1. The proper number of ballots required for each polling place, prepared and printed as provided in this act.
- Ballot boxes.* 2. The two ballot boxes required by this act.
- Pollbooks.* 3. Two pollbooks required by this act.
- Election laws.* 4. One copy of the election laws of this state required by this act.
- Tally-sheets.* 5. A sufficient number of tally-sheets required by this act.

6. A sufficient quantity of pens, ink, blotting-pads, indelible copying pencils, needles, and string for stringing ballots and stubs, sealing wax, and the like, necessary and convenient for carrying out the provisions of this act.

*Feb. 12, 1891.
Pens, ink,
etc.*

The white ballots so furnished shall be in a package by themselves, and the package shall be marked on the outside "White ballots," with the number contained in the package, and the package shall be addressed to the judges of the polling places for which it is intended, and the package shall be certified by the clerk and sealed under the seal of the county court of the county. The colored or sample ballots shall likewise be in a separate package by themselves, and the package shall be marked on the outside "Colored or sample ballots," with the number contained in the package, certified, addressed, and sealed. The pollbooks, tally-sheets, and copy of election laws shall likewise be done up in a package, addressed and sealed. The other articles shall likewise be addressed. The county clerk shall keep a record of the addresses thereon, the contents of the packages, and the number thereof.

*Contents of
packages,
how
arranged.*

Section 55. The county clerk shall prepare a receipt in duplicate for each polling place, enumerating the packages, and stating the time and day and date when the same were delivered by him to the sheriff. The sheriff shall sign both of said receipts, upon receipt of the packages; one of the receipts shall be retained by the clerk, and the other shall be delivered to the sheriff; and upon receipt of the packages, the judge or judges of election to whom they are delivered shall countersign said receipt, and the same shall forthwith be returned by the sheriff and filed with said clerk.

*Duplicate
receipt, by
whom pre-
pared, signed
and to whom
delivered.*

Section 56. The sheriff of each county under the direction and control of the county court of the county, a sufficient time and not less than one day before every election provided for in this act, shall secure the use of and take possession of the places designated by the county court as the polling places in the several precincts in the county; he shall cause the same to be suitably provided with a guardrail, so constructed and placed that only such persons as are inside said rail can ap-

*Sheriff shall
secure use of
polling places
designated by
county court.*

*Feb. 13, 1891.
Sheriff shall
secure use of
polling places
designated
by county
court.*

proach within six feet of the ballot-boxes or within ten feet of the compartments, shelves, or tables, at which electors are to prepare their ballots for voting. He shall furnish, in the manner directed by such county court, a sufficient number of such compartments, shelves, or tables in or at which electors may conveniently prepare their ballots for voting, so that in the preparation thereof each elector may be screened from the observation of other persons. The arrangement shall be such that neither the ballot-boxes, or the compartments, shelves, or tables, or the electors while preparing their ballots, shall be hidden from view of those just outside the said guardrail, or from the judges; and yet the same shall be far enough removed and so arranged that the elector may conveniently prepare his ballot for voting with absolute secrecy. There shall be provided in each polling place not less than one such compartment, shelf, or table for every forty electors to vote at such polling place, and every polling place shall have at least three of such compartments, shelves, or tables.

*Polling
places,
how ar-
ranged.
Guard rail,
etc.*

*Who only
admitted
within the
guard rail.*

Section 57. During the election and counting of the ballots, no person other than the judges and clerks of election, and the electors, admitted as herein provided, for the purpose of preparing their ballots and voting, shall be admitted or permitted to be within said rail.

*Method of
voting.*

Section 58. Any person desiring to vote shall give his name and his residence to the first of the election clerks, which clerk shall not be of the same political party as the chairman, who shall thereupon announce the name and residence distinctly, and write in the pollbook kept by him the name and residence of the elector and the word "State," or "State and district," if he is qualified to vote for such officers only, and also write the name and residence of the elector, and, if proper, the word "State," or "State and district," with pen and ink, upon the back of one of the stubs upon one of the white ballots provided under this act; the clerk shall then with pen and ink write the number of the elector upon the back of each of the two stubs upon said ballot; he shall so number the stubs upon each ballot to correspond with the number of the elector in the

pollbook, beginning with No. 1 for the first elector applying to vote, No. 2 for the second elector, and so on, and he shall then tear them off the stub upon which he wrote the elector's name. The clerk shall then deliver the ballot, with the remaining stub still attached thereto, to the elector. The said clerk shall give the elector one of said white ballots, and one only. The clerk shall then, at once, and before issuing another ballot, deliver the stub containing the name and number of the elector to the judges, who shall pass it to the second clerk, who shall immediately enter the number in the pollbook, and the name and residence of the elector opposite thereto, and shall retain the stub in his possession.

Section 59. On receipt of his white ballot as aforesaid, the elector shall forthwith and without leaving the enclosed space, retire alone to one of the compartments or places provided, and shall there prepare his ballot by marking immediately to the left of the name of the candidate of his choice for each office to be filled, or by writing in the name of the person he wishes to vote for; and in case of a constitutional amendment or other question submitted to the vote of the people, by marking to the left of the answer he desires to make, which shall be done with an indelible "copying" pencil, or with pen and ink. Before leaving the compartment, or place provided, the elector shall fold his ballot so that the face thereof shall be concealed, without displaying the ballot or informing any person how he has prepared it; and he shall fold the ballot so that the remaining stub may be readily torn off without exposing the contents of the ballot or the marks or crosses thereon. He shall then deliver the ballot to the chairman, and state his name and residence.

Section 60. Immediately upon receiving the ballot from the elector, the chairman shall repeat the name and residence distinctly, and shall remove the remaining half of the stub from the ballot without exposing the contents of the ballot or the marks or crosses thereon, and pass the stub to the second clerk, who shall compare it with its counterpart and observe that the name written on the counterpart corresponds with the

Feb. 12, 1891.
Method of
voting. name given by the person voting. If no objection is made to the elector, and the judges are satisfied that the elector is legally qualified, according to the constitution and laws of the state, to vote for all offices to be filled at that election, and that the ballot presented is the identical white ballot received by the elector as aforesaid from the first clerk, the chairman shall immediately put the ballot in the box marked "General," without any one inspecting or seeing the names written or printed or the crosses or marks upon the ballot, and without unfolding the same, and the second clerk shall enter opposite the name and number of the elector in the pollbook the word "Voted" or letter "V" to indicate the same.

Method of
voting. Section 61. If a majority of the judges are satisfied the elector is legally qualified to vote in that precinct only for "State" officers, the chairman shall immediately write with pen and ink upon the back of the ballot the word "State," and sign his (the chairman's) initials thereto; if the elector is qualified to vote for district officers also, the chairman shall write as aforesaid the words "State and district"; in either such case the ballot shall then be deposited in the box marked "State and district," and the clerks shall add to the name of the elector upon the pollbooks the words "State," or "State and district," as the case may be. The elector shall then immediately pass out by the way indicated by the judges.

Method of
voting. Section 62. If any elector by accident or mistake spoils his ballot so he cannot conveniently vote the same, he may, on returning said spoiled ballot, receive another in place thereof. If the elector spoils three such ballots, it shall be conclusive evidence that the elector is unable to prepare his ballot without assistance, and he shall request the assistance of two of the judges to prepare one for him. When the elector spoils a ballot and returns the same to the first clerk, the clerk shall write upon the stub the word "Spoiled," and sign his initials, and remove the stub from the ballot, and immediately pass the stub to the judges, and he shall then immediately destroy the spoiled ballot, without anyone inspecting its contents, and issue another to the elector as in the first instance, affixing the same name and number to the stubs as the original ballot.

Section 63. No person shall take or remove any white ballot from the polling place, and immediately upon the closing of the polls the judges shall cause all the white ballots remaining unused to be immediately destroyed by tearing them in pieces or by burning them. Feb. 13, 1891.
Method of
voting.

Section 64. As fast as electors vote, as aforesaid, the second clerk shall string the mated stubs upon a strong thread, and immediately upon the closing of the polls he shall securely knot together the ends of the thread and carefully preserve the same. Method of
voting.

Section 65. Not more than one person at one time shall be permitted to occupy any one compartment or place provided for electors to prepare their ballots, and no person shall remain in or occupy such compartment longer than may be reasonably necessary to prepare his ballot. Every elector who does not vote any ballot delivered to him shall, before leaving the polling place, return such ballot to the first clerk, who shall write upon the stub thereon, "Not voted," and sign his initials, and treat the stub and ballot in the same manner as in the case of a spoiled ballot, and both clerks shall note the fact upon the pollbooks by drawing a line with pen and ink across the name of the person, and writing the words "Not voted." Method of
voting.

Section 66. Any elector who declares to the chairman that he cannot read or write, or that by blindness, or other physical disability, he is unable to prepare his ballot, shall, upon request, receive the assistance of two of the judges in the preparation thereof, and such officers shall ascertain his wishes and prepare his ballot in accordance therewith, and such officers shall thereafter give no information regarding the same. The chairman may, in his discretion, require such declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, the second clerk shall write upon the pollbook, opposite the name of the elector, the word "Assisted," and if sworn, also "Sworn." In preparing his ballot, any elector shall be at liberty to use or copy any colored or sample ballot provided by this act which he may choose to mark or to have had marked in advance, to assist him [in] marking the official ballot. Method of
voting.

*Feb. 13, 1891.
Penalty of
misconduct
on the part
of the voter.*

Section 67. Any elector who shall use or bring into the polling place, or carry away therefrom, any unofficial ballot or any paper or thing bearing any resemblance to the official white ballot, other than said colored or sample ballot, or anything which will show how he has prepared the white ballot; or any elector who shall, except as herein otherwise provided, allow his white ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or mutilate his ballot, or place any distinguishing mark upon his ballot whereby the same may be identified; or who shall make a false statement as to his inability to mark his ballot; or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter to mark his ballot in a particular way, or before or after voting to show or explain how he marks or has marked his ballot, upon conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.

*Election
laws, secre-
tary of state
to compile.
Pollbooks,
tally-sheets,
registers, re-
ceipts, etc.,
to provide.*

Section 68. It shall be the duty of the secretary of state, not less than six months before every biennial election in this state, to compile the election laws of the state, and index the same, and cause the same to be printed in suitable pamphlet form, for the use of the judges of election; also suitable pollbooks, required by and in accordance with section 22 of this act; also tally-sheets, required by and in accordance with section 24 of this act; also "Register of Nominations" books, required by section 39 of this act; also receipts, required by and in accordance with section 55 of this act; needles for stringing ballots and stubs, as required by sections 23 and 64 of this act, and indelible "copying" pencils, suitable for cancelling the names of candidates not voted for, as required by section 59 of this act; and he shall forthwith proceed and distribute the same to the several county clerks in the state, in appropriate quantities. The bills for furnishing said pamphlet copies of the election laws, for ruling, printing and binding such pollbooks, blanks, receipts, register of nominations, and tally-sheets, and procuring said needles and pencils, and for preparing and de-

livering the same, as required by this act, shall be audited by Feb. 13, 1891.
Same subject. the secretary of state, and paid out of any moneys in the treasury not otherwise appropriated.

Note.—In Section 68 of the "Australian ballot law," line fourteen, the clause "Suitable for cancelling the names of candidates not voted for," is no longer applicable, section 59 to which it refers having been amended by the act of 1895.—*H. R. Kincaid, Secretary of State.*

Section 69. Any officer upon whom a duty is imposed by this act, who shall disclose to any person the name of any candidate for whom any elector has voted, or give any information by which it can be ascertained for whom any elector has voted; or any judge or clerk of election, or other officer about the polls, who shall do any electioneering on election day, or any person who shall do any electioneering on election day within any polling place, or within fifty feet of any polling place; or any person who shall remove any white ballot from any polling place before the closing of the polls; or any person who shall knowingly apply for or receive any white ballot in any polling place other than that in which he is entitled to vote; or any person who shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his ballot; or any person (except the chairman of election) who shall receive from any voter the ballot prepared for voting; or any person who shall, contrary to this act, ask another at a polling place for whom he intends to vote, or who shall examine his ballot or solicit the voter to show the same; or any elector who shall knowingly receive any white ballot from any other person than one of the election clerks; or any person who shall print or circulate, or knowingly have in his possession any imitation of the official white or colored ballots; or any person other than a clerk of the election who shall deliver any white ballot to an elector; or any elector who shall deliver any ballot to the chairman to be voted except the one he received from the first election clerk; or any elector, or any one who shall, contrary to the provisions of this act, place any mark upon or do anything to his or any white ballot by which Penalty for
official
misconduct.

*Feb. 12, 1891.
Penalty for
official mis-
conduct.*

it may be afterwards identified as the one voted by any particular individual, upon conviction, shall be punished by a fine of not less than fifty dollars and not more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or both, in the discretion of the court.

*Penalty for
official mis-
conduct.*

Section 70. Any judge or clerk of election who shall willfully disregard any of the provisions of this act, or who shall negligently fail to enforce any of the provisions of this act, or who shall, in the counting of the ballots or making the returns thereof, willfully disregard any of the directions or requirements of this act; or any person who shall willfully or fraudulently alter or destroy any white ballot cast at any election, or any of the returns of any election regulated by this act, or who shall introduce among the genuine ballots a fraudulent ballot; or any person who shall falsely write the initials of the chairman, or any writing upon the ballot or ballot-stub purporting to be written by the clerk or chairman; or any person who shall steal any of the ballots or returns, or willfully or fraudulently hinder or delay the delivery of any of the election returns to the county clerk, or willfully break open any of such sealed returns of any election regulated by this act, upon conviction, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years, or by fine not less than five hundred dollars nor more than two thousand dollars, or both such fine and imprisonment.

*Penalty for
defacing or
tearing down
any posted
matter; for
removing or
destroying
any ballots;
for willfully
breaking the
seals contain-
ing supplies.*

Section 71. Any person who shall, prior to or during an election, willfully deface, tear down, remove, or destroy, any list of candidates, or other notice posted in accordance with the provisions of this act, or who, during an election, shall willfully deface, tear down remove, or destroy, any card of instruction or specimen ballot posted under the provisions of this act for the instruction of voters, or who shall deface, tear down, remove, alter, or destroy any certificate of the result of the election posted under the provisions of this act, or who shall during an election, willfully remove or destroy any of the official white or sample ballots, supplies, or conveniences furnished to

enable a voter to prepare his ballot, or who shall willfully break the seals or open any of the sealed packages containing any of the supplies for the polling places contrary to the provisions of this act, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

*Feb. 13, 1898.
Penalty for
defacing or
tearing down
any posted
matter; for
removing or
destroying
any ballots;
for willfully
breaking the
seals contain-
ing supplies.*

Section 72. That all of an act entitled "An act to provide for the registration of voters, regulating the manner of conducting elections, providing for the prevention and punishment of frauds affecting the elective franchise, and repealing title I of chapter XIV of the miscellaneous laws of Oregon," approved February 24, 1885; and all of an act entitled "An act to amend sections 4, 10, 14, 15, and 24, of an act entitled 'An act to provide for the registration of voters, regulating the manner of conducting elections, providing for the prevention and punishment of fraud affecting the elective franchise, and repealing title I of chapter XIV of the miscellaneous laws of Oregon,' approved February 24, 1885," approved November 25, 1885, and all of an act entitled "An act to amend section 49 of an act entitled 'An act to provide for the registration of voters, regulating the manner of conducting elections, providing for the prevention and punishment of fraud affecting the elective franchise, repealing title I of chapter XIV of the miscellaneous laws of Oregon,' approved February 24, 1885," approved November 25, 1885; and all of an act entitled "An act relating to elections," approved October 19, 1872; and sections 26, 27, and 28 of an act entitled "An act relating to elections and the mode of filling vacancies in office," approved October 29, 1870; and all of an act entitled "An act to amend section 5507 of Hill's annotated laws of Oregon, relating to elections and ballot paper," approved February 20, 1889, the same being identical with titles I and II of chapter XIV, sections 2499 to 2537, both inclusive, of the miscellaneous laws of Oregon, as compiled and annotated by William Lair Hill, and all acts and parts of

*Repealing
section.*

Feb. 13, 1891.
Repealing
section. acts in conflict with this act be and the same are hereby repealed.

Approved February 13, 1891.

“THE PRIMARY LAW.”

Feb. 11, 1891.
Title of the
act. An act to provide for holding primary elections, and regulating the manner of conducting the same, and to prevent frauds and punish crimes at such elections, in cities of two thousand five hundred inhabitants or more.

Be it enacted by the Legislative Assembly of the State of Oregon:—

Primary
elections to
apply to in-
corporated
cities of 2,500
population. Section 1. All elections hereafter to be held within any incorporated city of the state containing a population of two thousand five hundred or more, as shown by the last state or federal census, by any voluntary political association or party for any delegates to any convention for the purpose of nominating candidates for public office, shall be held under the provisions of this act, and such elections shall be styled primary elections.

Managing
committee to
cause notice
of primary
election to be
published. Section 2. Not less than seven days before any such primary election is to be held, the managing committee of the political party or association calling the primary election shall cause a notice to be published in some newspaper of general circulation in the city in which the election is to be held. Such notice must be signed by the secretary of the committee or association calling such election, and must state the purpose of the election, the date when the election is to be held, the places where the polls are to be located, and during what hours each polling place shall be kept open for the reception of votes, and the number of delegates to be elected in each election precinct, ward, or district. Three persons shall be named therein who are to act as judges for each polling place at said election, and such judges shall be legal voters of and householders in the precinct, ward, or district at which he is to act as judge at such elections. The judges shall appoint two clerks for each polling place, who shall have the same qualifications as themselves, excepting that they need not be householders.

Notice to be
signed by
 whom.

Judges,
qualifica-
tion of.

Section 3. The judges and clerks mentioned in the last section shall, before entering upon their duties, take and subscribe the oath prescribed by law for judges and clerks of general elections, which oath may be administered by any one of the judges, or by any person authorized under the laws of this state to administer oaths. And if one or all of the judges appointed to serve at the election be absent or refuse or fail to serve at the hour appointed for the election to begin, then the electors present, to the number of not less than five, and being members of the political party or association holding such election, shall choose a person or persons to fill any vacancy or vacancies that may exist. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender, on conviction, to punishment by a fine not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

*Feb. 11, 1891.
Oath of
judges, by
whom admin-
istered.*

Penalty.

Section 4. The polling places at all primary elections shall be kept open for the reception of votes not less than five nor more than seven consecutive hours, and between the hours of twelve o'clock noon and seven o'clock p. m.

*Polling
places to be
kept open how
long.*

Section 5. No person who is not a qualified elector under the laws of the state, or will not be so qualified at the next ensuing general election, shall be qualified or permitted to vote at any primary election held under this act.

*Persons dis-
qualified to
vote at pri-
mary
elections.*

Section 6. Any person voting or offering to vote at any such election who would not be qualified to vote in the election precinct at the general election then next ensuing, or who has voted at the primary election of any other political party or association held for the purpose of electing delegates to any convention at which the candidates of the respective parties are to be chosen for the ensuing election, or who shall vote more than once at the same or different polls on the same day at the same primary election, or knowing that he is not a qualified voter at such election, wilfully votes or offers to vote at such election, or wilfully aids or abets any one not qualified to

Same subject.

*Feb. 11, 1887.
Same subject.*

vote at such primary election in voting or attempting to vote at such, or by offering, or giving, or promising to give, a reward, or bribe, or money, or any valuable consideration, either directly or indirectly, to attempt to influence or to influence any voter in giving or withholding his vote at such election, or by bribery, or by corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at such election; or if any one places any ballot in any ballot-box in use at such election which has not been regularly voted and permitted to be voted by the judges thereat, or any one concealing, or destroying, or removing any ballot from such ballot-box for the purpose of destroying or altering the same, or changing the result of the election, or for any other purpose except for the purpose of counting such ballots after the polls are closed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

*Penalty for
violation of
this section.*

*Proceeding
on vote
being
challenged.*

Section 7. If any person offering to vote at any primary election be challenged by a judge or any qualified elector at said election as to his right to vote thereat, an oath shall be administered to him by one of the judges that he will truly answer all questions touching his right to vote at such election, and if he refuse to answer any question which may be put to him touching his right to vote at such election, or if it appear that he is not a qualified voter under the provisions of this act, his vote shall be rejected; and if any person whose vote has been so rejected shall offer to vote at the same election at any other polling place, he shall be deemed guilty of a misdemeanor, and be punished as provided in section 6 of this act.

*Judges to
open, exhibit
and close
ballot-box,
etc.*

Section 8. Before receiving any ballots, the judges must, in the presence of any persons assembled at the polling place, open and exhibit, and close the ballot-box; and thereafter it must not be removed from the polling place or presence of by standers until all the ballots are counted, nor must it be opened until after the polls are closed.

Section 9. Before the judges receive any ballots, they must cause it to be proclaimed at the place of election that the polls are open. Feb. 11, 1891.
Proclamation of judges.

Section 10. When the polls are closed, that fact must be proclaimed aloud at the place of election, and after such proclamation no ballot must be received. Proclamation of judges.

Section 11. The judges and clerks of such primary election shall keep a record of all the votes cast thereat, with the names and place of residence of every person voting at such election, and also the names of all persons whose votes have been rejected, and a concise statement of the reason for such rejection. Such record shall be kept in duplicate, and substantially in the same form as the pollbooks of a general election, and shall be styled the pollbooks of such primary election; and at the conclusion of such primary election, one copy of such pollbooks shall be filed with the clerk of the county court of the county in which such election is held, and the other pollbook shall be delivered to the political organization under whose authority such primary election is held. Judges and clerks to keep record of all votes cast.
Disposal of pollbooks.

Section 12. If any judge or clerk at such primary election shall knowingly receive or record the vote of any individual who is known to him not to be entitled to vote at such primary, or shall willfully refuse to receive, or deposit, or count the vote of any qualified elector of such election, or shall in any manner fraudulently or wrongfully deposit or put any ballots into or take any from the ballot-box of said primary election, or shall knowingly make any false count, canvass, statement, certificate, or return of the ballots cast or votes taken at such primary election, he shall be deemed guilty of a misdemeanor, and be punished as provided in section 6 of this act; *provided*, that no arrest shall ever be made for any offense defined in any of the foregoing provisions of this act except upon a warrant duly issued; and any officer or person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 6 of this act. Penalty of judges and clerks for receiving or refusing to receive certain votes.

Section 13. The judges, after canvassing the votes cast, must issue certificates of election to the persons duly elected. Certificate of election.

Feb. 11, 1891.
Persons
standing
around polls.

Section 14. The laws of the state governing the conduct of persons about polling places or approaching the same, shall apply to all elections held under the provisions of this act.

Jurisdiction
of justices of
the peace.

Section 15. Justices of the peace shall have concurrent jurisdiction of crimes defined and committed under this act.

Approved February 11, 1891.

MISCELLANEOUS OREGON STATUTES RELATING TO ELECTIONS.

[Hill's annotated laws of Oregon, volume 2, page 1194.]

OF THE CANVASS BY THE COUNTY CLERK, SECRETARY OF STATE, AND GOVERNOR.

- § 2538. County clerks to open returns and make abstract of votes; proceedings in case of tie; certificate of compensation to judges and clerks.
- § 2539. Lots, when drawn by candidates in case of tie.
- § 2540. Abstract of votes, copy to be sent to secretary of state; governor, when to grant certificate and order new election.
- § 2541. Secretary of state, when to send messenger for returns.
- § 2542. Votes for assemblyman, when returned to secretary of state.
- § 2543. Penalty for official misconduct regarding elections.

§ 2538. On the tenth day after the close of any election, or sooner if all the returns be received, the county clerk, taking Feb. 25, 1889,
Sec. 1.
County clerks
to open
returns. to his assistance two justices of the peace of the county, shall proceed to open said returns and make abstracts of the votes. Such abstract of votes for governor shall be one sheet, and shall be transmitted to the secretary of state separately, as provided in article V, section 4 of the constitution. Such abstract of secretary of state, state treasurer, state printer, justices of the supreme court, member of congress, judges of the circuit court, and district attorneys, shall be all on one sheet; the abstract of the votes for members of the legislative assembly shall be on one sheet; and the abstract of votes for county and precinct officers shall be on another sheet; and it shall be the duty of the said clerk immediately to make out a certificate of election to each of the persons having the highest number of votes for members of the legislative assembly, county, and precinct officers, respectively, and to deliver such certificate to the person entitled to it, on his making application to the clerk at his office; *provided*, that when a tie shall exist between two or more persons for the senate or house of representatives, the

Feb. 25, 1889.
Sec. 1.
County clerks
to open re-
turns.

county clerk shall give notice to the sheriff of the county, who shall immediately advertise another election for such offices, giving at least ten days' notice; and it shall be the duty of the county clerk of such county, on the receipt of the returns of any general or special election, to make out his certificate, stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the county court at its next term, and the said court shall order the compensation aforesaid to be paid out of the county treasury.

Returns of certain precincts, though not received until after ten days from close of election, and after commencement of canvass, if it appear that the votes were legally cast, may be counted: See *Cresap v. Gray*, 10 Or. 345.

Certificate of election by board of canvassers is the record of what was decided by them, and is conclusive until reversed by a court of competent jurisdiction: *Warner v. Myers*, 3 Or. 219; S. C. 4 *Id.* 72.

In case of tie at election, neither candidate is elected until the matter is decided by lot as provided in this section: *State v. McKinnon*, 8 Or. 498.

Oct. 29, 1870.
Sec. 30.
Lots, when
drawn.

§ 2539. If the requisite number of county or precinct officers shall not be elected by reason of two or more persons having an equal and the highest number of votes for one and the same office, the clerk whose duty it is to compare the polls shall give notice to the several persons so having the highest and an equal number of votes to attend at the office of the county clerk at a time to be appointed by said clerk, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected. And the said clerk shall make and deliver to the person thus declared duly elected a certificate of his election as hereinbefore provided.

Feb. 25, 1889.
Abstract of
votes, copy
to be sent
to whom.

§ 2540. The county clerk, immediately after making the abstract of the votes given in his county, shall make a copy of each of said abstracts and transmit it by mail to the secretary of state at the seat of government; and it shall be the duty of the secretary of state, in the presence of the governor, to proceed within thirty days after the election, and sooner if the re-

turns be all received, to canvass the votes given for secretary, and treasurer of state, state printer, justices of the supreme court, members of congress, judges of the circuit court, district attorneys, joint senators and joint representatives; and the governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue a proclamation declaring the election of such person. In case there shall be no choice, by reason of any two or more persons having an equal and the highest number of votes for either of such offices, the governor shall by proclamation order a new election to fill said offices.

*Feb. 25, 1899.
Abstract of
votes, copy
to be sent
to whom.*

Note.—County clerks should take notice that section 2540 requires them to transmit to the secretary of state a certified copy of "each of said abstracts" referred to in section 2538. This does not mean a summary of the vote cast but a detailed exhibit; an accurate certified copy of the original abstracts including the vote cast for all officers voted for at the election. Justices of the peace and constables are included.—*H. R. Kincaid, Secretary of State.*

§ 2541. If the returns of the election of any county in this state shall not be received at the office of the secretary of state within thirty days after the election, the secretary of state shall forthwith send a messenger to the county court of such county, whose duty it shall be to furnish said messenger with a copy of such returns, and the said messenger shall be paid out of the county treasury of said county the sum of twenty cents for each mile he shall necessarily travel in going to and returning from said county.

*Oct. 29, 1870.
Sec. 32.
Secretary,
when to send
for returns.*

§ 2542. When two or more counties are united in the same senatorial or representative district, the return of votes cast for joint senator or representatives to the legislative assembly shall be forwarded by the county clerk of each county to the secretary of state in like manner as votes cast for judges of the supreme court and district attorneys are now required by law to be returned.

*Id., Sec. 23.
Votes for as-
semblymen,
when re-
turned.*

§ 2543. If any judge or clerk of election, or any other person in any manner concerned in conducting the election, shall corruptly violate any of the provisions of this chapter, he shall

*Id., Sec. 34.
Penalty for
official mis-
conduct.*

*Oct. 29, 1870.
Sec. 34.
Penalty for
official mis-
conduct.*

forfeit and pay to the county a sum not less than fifty nor more than five hundred dollars, to be recovered by a civil action in the name of the county court of the proper county. In all elections in this state, the person having the highest number of votes for any office shall be deemed to have been elected.

[Hill's Code, volume 2, page 1197.]

OF THE CONTEST OF THE ELECTION TO COUNTY, TOWN,
DISTRICT, AND PRECINCT OFFICES.

- § 2544. Notice to contest election, who may give.
- § 2545. Notice, how served; contest, how heard.
- § 2546. Contest for precinct offices.
- § 2547. Conduct of trial; certificate by clerk.
- § 2548. Title; how construed.

*Id., sec. 35.
Notice to con-
test election.*

§ 2544. Any person wishing to contest the election of any person, to any county, district, township, or precinct office, may give notice in writing to the person whose election he intends to contest, that his election will be contested, stating the cause of such contest briefly, within thirty days from the time said person shall claim to have been elected.

*Id., sec. 36.
Notice, how
served. Con-
test, how
heard.*

§ 2545. Said notice shall be served in the same manner as a summons issued out of the circuit court, ten days before any hearing upon such contest, as herein provided, shall take place, and shall state the time and place that such hearing shall be had. Upon the return of said notice served to the clerk of the county, he shall thereupon enter the same upon his docket as an appeal case, and the same shall be heard in its order by the circuit court; *provided*, that if the case cannot be determined by the circuit court in term time, within one month after the termination of such election, the judge of the circuit court may hear and determine the same at chambers as soon thereafter as may be practicable, and shall make all necessary orders for the trial of the case and carrying his judgment into effect; *provided*, that this section shall not apply to township or precinct officers. In case of contest between any persons claiming to be elected to any township or precinct office, said notice shall be served in the manner aforesaid, and shall be returned to the county court of the county.

*In case of
precinct
officers, when
notice to be
returned.*

§ 2546. Upon the return of said notice to the said county court, and on the day and at the place therein named, the county judge shall hear and determine such contest, and make all necessary orders for trial of the cause and carrying his judgment into effect.

*Oct. 29, 1870,
Sec. 37.
Contest for
precinct
offices.*

§ 2547. Each party shall be entitled to subpoenas and subpoenas *duces tecum*, as in ordinary cases of law; and the court shall hear and determine, without the intervention of jury, the same in such manner as shall carry into effect the expressed will of a majority of the legal voters, as indicated by their votes for such office, not regarding technicalities or errors in spelling the name of any candidate for such office. And the county clerk shall issue a certificate to the person declared to be duly elected by said court, which shall be conclusive evidence of right of said person to hold said office; *provided*, that the judgment or decision of the circuit court in term time, or a decision of a judge thereof in vacation, as the case may be, may be removed to the supreme court, in such manner as is provided for removing causes from the circuit court to the supreme court; *and provided further*, that appeals may be taken from the decision of the county court to the circuit court, as in other cases—in all of which cases the party removing any such judgment or decision by appeal, shall file in the proper court a bond to the opposite party, in such sum and with such sureties as shall be prescribed by a judge thereof, conditioned for the payment of all costs that may be properly taxed against him.

*Id., sec. 38.
Conduct of
trial. Clerk
to issue cer-
tificate.*

§ 2548. This title shall not be construed so as to impair in any way the right of any person to contest any election in the manner otherwise provided by law.

*Id., sec. 39.
Title, how
construed.*

COMMENCEMENT AND CLOSE OF TERM OF OFFICE OF STATE OFFICERS.

[Hill's Code, volume 2, page 1201.]

GOVERNOR, SECRETARY OF STATE, STATE TREASURER, AND STATE PRINTER.

*Jan. 11, 1854,
Sec. 38.
Commence-
ment of term
of office.* § 2557. The term of office of all officers elected shall begin to run from the time of their election, unless some other express provision is made by law.

*Oct. 17, 1840,
Sec. 1.
Office of
governor.* § 2558. The term of office of the governor shall cease when his successor, having been declared elected by the legislative assembly, as provided in the constitution, shall be inaugurated by taking the oath of office.

*Id., Sec. 2.
Office of
secretary of
state, treas-
urer of state,
and state
printer.* § 2559. The term of office of secretary of state, state treasurer, and state printer shall cease on the first day of the regular session of the legislative assembly next following the general election on which the terms of their successors shall begin.

[Hill's Code, volume 2, page 1093.]

JUSTICES OF THE SUPREME COURT.

*Oct. 17, 1874,
Sec. 2, p. 31.
Election of
supreme
judges
and their
terms of
office.* § 2283. On the first Monday of June, 1880, there shall be elected three justices of the supreme court, whose terms of office shall commence on the first Monday of July, 1880, and continue, one for six years, one for four years, and one for two years; said terms to be allotted among themselves on the first day of the first regular term of court after their election; and at every general election after the said first Monday in June, 1880, there shall be elected one or more justices of the supreme court to fill any vacancy that may occur by expiration of the term, death, resignation, or removal, and their term of office shall commence on the first Monday in July after their election, and continue for six years, and until their successors are elected and qualified.

[Hill's Code, volume 2, page 1205.]

SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 2566. The office of superintendent of public instruction is hereby detached from the office of governor, and created a distinct and separate office. * * *

Oct. 29, 1872.
Sec. 1.

Note.—The remainder of section 2566, although printed in Hill's Code, is plainly contradictory to section 2567 and it is plainly repealed by that section. The remainder of section 2566 reads as follows: "The superintendent of public instruction shall be, in the first instance, elected by joint ballot of this legislative assembly, and he shall hold his office until his successor is duly elected and qualified." Following this, section 2567 declares that the superintendent of public instruction shall be elected every four years at the general elections in the same manner as other state officers. I have, therefore, retained in this compilation that portion of the law of 1872 which is not repealed by later statutes and have omitted that portion of the section which is clearly repealed by implication.—*H. R. Kincaid, Secretary of State.*

§ 2567. A superintendent of public instruction shall be elected at the general election of the year 1874, and every four years thereafter, and shall qualify and enter upon the discharge of his duties at the time fixed by law for other state officers. He shall receive an annual salary of \$1,800, payable in the same manner as the salaries of other state officer are paid.

Feb. 21, 1887.
Sec. 1.
Election and
salary of su-
perintendent.
St. 1887,
p. 55.

Note.—This section definitely fixes the time of the election of the superintendent of public instruction, but is somewhat indefinite in stating the time of the commencement of the term of office of such officer. It says the superintendent "shall qualify and enter upon the discharge of his duties at the time fixed by law for other state officer." The phrase "other state officers" has been construed to mean secretary of state, state treasurer, state printer, and attorney-general, who assume their offices upon the convening of the legislative assembly, on the second Monday in January next following the election of said officers. The fact that the Justices of the supreme court assume the duties of their office in the month of July immediately succeeding their election, and that the governor does not assume the duties of his office until after the convening of the legislative assembly, being usually from two to five days after other state officers have assumed the duties of their office, does not seem to have been considered by the framers of the act of 1887, as embraced in section 2567. It would be more concise if the different acts stated definitely the date on which the different state officers are to take or assume the duties of their office. Instead of putting the matter indefinitely as given in section 2567.—*H. R. Kincaid, Secretary of State.*

*Oct. 29, 1872.
Sec. 3.*

*Office, where
kept and ex-
penses of.*

§ 2568. The superintendent of public instruction shall be provided with an office located at the state capital, furnished with the necessary stationery, lights, fuel, etc., to be paid for in the same manner that the expenses of the office of governor, secretary of state, and state treasurer are paid.

[Hill's Code, volume 2, addenda, page 2008, and Session Laws, 1891, page 188.]

ATTORNEY-GENERAL.

An act to create the office of attorney-general, provide the duties, and fix the compensation.

*Feb. 21, 1891.
Attorney-
general.*

Section 1. That there be and hereby is created the office of attorney-general of the state of Oregon.

*When
elected.*

Section 2. There shall be elected by the qualified electors of the state of Oregon, at the general election held in June, 1894, and each fourth year thereafter, an attorney-general, who shall hold his office for the term of four years, and until his successor is elected and qualified, and the term of office of the attorney-general shall commence on the same day as secretary of state as now provided by law.

*Shall keep
office at
capitol.*

Section 3. The attorney-general shall keep and attend his office at the capitol of the state, and the same shall be provided and furnished by the state.

[Hill's Code, volume 2, page 1950.]

CONGRESSIONAL DISTRICTS.

*Feb. 20, 1891,
S. L. p. 67.
Congres-
sional dis-
tricts.*

Section 1. That the state of Oregon be and the same is hereby apportioned into two congressional districts, and the same are hereby established and shall be respectively composed as herein set forth, to wit:—

The first district shall be composed of the counties of Benton, Clackamas, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake, Lane, Linn, Marion, Polk, Tillamook, Washington, and Yamhill.

Note.—The county of Lincoln, created out of Benton and Tillamook counties in the year 1893, is now considered as included in the first congressional district, because the counties out of which it was created be-

longed to that district. The act creating Lincoln county does not specify to what district it belongs.—*H. R. Kincaid, Secretary of State.*

The second district shall be composed of the counties of Baker, Clatsop, Columbia, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Multnomah, Sherman, Umatilla, Union, Wal-
Feb. 20, 1891.
S. L. p. 87.
Congressional
districts.
lowa, and Wasco.

Section 2. One representative to the congress of the United States shall be elected in each of the districts before enumerated on the first Monday in June in the year of our Lord 1892, and one in each of said districts every two years thereafter. Such election shall be held and the returns thereof made and canvassed in the manner approved by law.
Representa-
tives to
congress.

Approved February 20, 1891.

JUDICIAL DISTRICTS OF OREGON.

[Hill's Code, volume 2, page 1098.]

MANNER OF THEIR CREATION; STATE HOW DIVIDED.

*Oct. 21, 1899,
Sec. 1, p. 63.
State divided
into six judi-
cial districts.*

§ 2290. The state of Oregon shall be divided into six judicial districts, to be constituted as hereinafter provided.

*Id. Sec. 2.
The districts
defined.*

§ 2291. The counties of Jackson, Josephine, and Lake shall constitute the first judicial district; the counties of Douglas, Lane, Coos, Curry, and Benton shall constitute the second judicial district; the counties of Linn, Marion, Polk, Yamhill, and Tillamook shall constitute the third judicial district; the county of Multnomah shall constitute the fourth judicial district; the counties of Washington, Clackamas, Clatsop, Columbia, and Wasco shall constitute the fifth judicial district; the counties of Umatilla, Union, Baker, and Grant shall constitute the sixth judicial district.

Note.—The first judicial district now embraces the county of Klamath in addition to the counties of Jackson, Josephine and Lake. The second judicial district now embraces the county of Lincoln in addition to the counties of Douglas, Lane, Coos, Curry and Benton. The county of Wasco has been detached from the fifth district and included in the seventh. The sixth district now consists of the two counties of Morrow and Umatilla.—*H. R. Kincaid, Secretary of State.*

*Nov. 25, 1898,
Sec. 1, p. 19.
Seventh dis-
trict created
and defined.*

§ 2292. There shall be and hereby is created a judicial district of the state of Oregon, composed of the counties of Crook, Gilliam, Morrow and Wasco, which counties are hereby detached from the districts of which they were heretofore parts, and shall hereafter constitute the seventh judicial district.

Note.—The county of Morrow has been detached from the seventh district and included in the sixth, and the county of Sherman annexed to the seventh district, which now consists of the counties of Crook, Gilliam, Wasco and Sherman.—*H. R. Kincaid, Secretary of State.*

[Session Laws, 1895, page 8.]

Section 1. That there shall be and hereby is created a judicial district of the state of Oregon, composed of the counties of Umatilla and Morrow, which counties are hereby created as the sixth judicial district of the state of Oregon, and shall hereafter constitute the sixth judicial district of this state.

Feb. 20, 1895.
Sixth
judicial
district
defined.

[Session Laws, 1895, page 10.]

Section 1. That there shall be and hereby is created a judicial district, composed of the counties of Baker, Union and Wallowa, which counties are hereby detached from the sixth judicial district of the state of Oregon, of which they were heretofore a part, and shall hereafter constitute the eighth judicial district of the state of Oregon.

Feb. 20, 1895.
Eighth
judicial
district
created.

[Session Laws, 1895, page 11.]

Section 1. That there shall be and hereby is created a judicial district of the state of Oregon composed of the counties of Grant, Malheur and Harney, which counties are hereby detached from the sixth judicial district of the state of Oregon, of which they were heretofore a part, and shall hereafter constitute the ninth judicial district of this state.

Feb. 20, 1895.
Ninth
judicial
district
created.

Note.—The judicial districts of Oregon, as defined by law at the time of this publication (December 1, 1897,) are as follows:

First district—Jackson, Josephine, Lake and Klamath counties.

Second district—Douglas, Coos, Curry, Lane, Lincoln and Benton counties.

Third district—Linn, Marion, Polk, Yamhill and Tillamook counties.

Fourth district—Multnomah county.

Fifth district—Clatsop, Columbia, Washington and Clackamas counties.

Sixth district—Morrow and Umatilla counties.

Seventh district—Crook, Gilliam, Sherman and Wasco counties.

Eighth district—Baker, Union and Wallowa counties.

Ninth district—Grant, Harney and Malheur counties.

At each biennial general election there is elected one prosecuting attorney for each of these nine districts. There is elected every six years one circuit judge for each of these districts, excepting the first, third and fourth districts. The first and third districts have two circuit judges each and the fourth has four judges, making the total number of judges fourteen.—*H. R. Kincaid, Secretary of State.*

[Hill's Code, volume 1, page 101, being Section 10 of Article VII State Constitution.]

CIRCUIT JUDGES.

ELECTION, TERM OF OFFICE, QUALIFICATION, ETC.

*Feb. 14, 1889.
When supreme
and circuit
judges may
be elected in
distinct
classes.
13 Or 386.*

§ 10. When the white population of the state shall amount to two hundred thousand the legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which classes shall consist of three justices of the supreme court, who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges, who shall hold full terms without allotment, and who shall take the same oath as the supreme judges.

Election of judges.—In an act providing for the election of supreme and circuit judges in distinct classes, a provision for the appointment by the governor of judges to fill the offices thus created, until the next general election, is not in conflict with this section: *Cline et al., v. Greenwood et al.*, 10 Or. 230.

[Hill's Code, volume 2, page 1092.]

*Oct. 17, 1878.
Sec. 1.*

§ 2287. Hereafter there shall be elected supreme and circuit judges in distinct classes, as hereinafter provided.

[Hill's Code, volume 2, page 1094.]

*Id.,
Sec. 6, p. 32.
Election of
circuit judges
and their
terms of office.*

§ 2293. There shall be elected on the first Monday in June, 1880, a circuit judge in each of the judicial districts as they now exist in this state whose terms of office shall commence on the first Monday in July, 1880, and continue for six years, and until their successors are elected and qualified; and at the general election in 1886, and every six years thereafter, there shall be elected a circuit judge in each of the said judicial districts, whose terms of office shall commence on the first Monday in July thereafter, and continue for six years, and until their successors are elected and qualified.

Note.—Prior to the taking effect of this act in 1880 the five circuit judges also performed appellate or supreme court duties in addition to their duties as circuit judges, holding supreme court at the capitol at stated times in accordance with the various provisions of article VII of the state constitution. The act of 1878 was passed in accordance with the provision of section 10 of article VII of the constitution. At the time of its enactment in 1878 there were only five judicial districts in the state. The number has since been increased to nine, and the number of circuit judges to fourteen.
—H. R. Kincaid, Secretary of State.

§ 2294. There shall be elected, on the first Monday in June, 1884, a circuit judge in the sixth judicial district, created by this act, whose term of office shall commence on the first Monday in July, 1884, and continue for two years, and until his successor is elected and qualified; and at the general election in 1886, and every six years thereafter, there shall be elected a circuit judge in said sixth judicial district, whose term of office shall commence on the first Monday in July thereafter, and continue for six years, and until his successor is elected and qualified.

*Oct. 24, 1887.
Sec. 11, p. 63.
Election of
circuit judge
of sixth dis-
trict.*

Note.—Section 4 of an act of 1895, found on page nine of the session laws, 1895, covers the same ground as the above, and reads as follows: "Section 4. There shall be elected in and for the said sixth judicial district in the same manner as the other circuit judges are elected, a circuit judge for said sixth judicial district, who shall be elected at the general election to be held in the state of Oregon for the year 1900, and every six years thereafter, and who shall hold office of circuit judge of said district for the period of six years, and until his successor is elected and qualified."—*H. R. Kincaid, Secretary of State.*

§ 2295. At the general election in 1886, and every six years thereafter, there shall be elected a circuit judge in said seventh judicial district, whose term of office shall commence on the first Monday in July thereafter and continue for six years, and until his successor is elected and qualified; and at the same time, and every two years thereafter, there shall be elected a prosecuting attorney in said seventh judicial district, whose term of office shall commence on the first Monday in July thereafter and continue for two years, and until his successor is elected and qualified.

*Nov. 25, 1885.
Sec. 4, p. 20.
Election of
judge of
seventh dis-
trict.*

§ 2296. In addition to the circuit judges now provided for by law, there shall be elected on the first Monday of June, 1886, and at the general election every six years thereafter, a circuit judge in the fourth judicial district of this state, who shall possess the qualifications prescribed by law for circuit judges, and whose term of office shall commence on the first Monday of July, 1886, and on the same day of the month every six years thereafter, and continue in office six years, and until his successor is elected and qualified.

*Feb. 17, 1885.
Sec. 1.
Additional
judge in the
fourth dis-
trict. St.
1885, p. 26.*

Feb. 20, 1885.
Sec. 1.
Salaries of
circuit
judges. St.
1885, p. 41

§ 2297. Each of the judges of the circuit courts in this state [shall] receive an annual salary of three thousand dollars, payable quarterly, and no other allowance for their services, either directly, or indirectly.

Oct. 17, 1878.
Sec. 9, p. 32.
Qualifica-
tions of
judges.

§ 2298. The judges of the supreme and circuit courts shall be citizens of the United States, and shall have resided in the state of Oregon at least three years next preceding their election or appointment, and the judges of the circuit courts shall be residents of their respective districts at the time of their election or appointment.

[Session Laws of 1895, section 3, page 10.]

Act Feb. 20,
1895.
S. L. Sec. 3,
p. 10.

Section 3. At the general election in 1896 there shall be elected a circuit judge in said eighth judicial district for the period of six years, whose term of office shall commence on the first Monday in July thereafter, and who shall hold said office until his successor is elected and qualified. * * *

[Session Laws of 1895, section 4, page 12.]

Act Feb. 20,
1898.
S. L. Sec. 4,
p. 19.

Section 4. There shall be elected in and for the said ninth judicial district in the same manner as the other circuit judges are elected, a circuit judge for said ninth judicial district, who shall be elected at the general election to be held in the state of Oregon for the year 1898, and every six years thereafter, and who shall hold the office of circuit judge of said district for the period of six years, and until his successor is elected and qualified.

PROSECUTING OR DISTRICT ATTORNEYS.

(Hill's Code, volume 1, page 103, being section 17 of article VII of state constitution)

ELECTION, TERM OF OFFICE, QUALIFICATION, ETC.

§ 17. There shall be elected by district, comprised of one or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the state, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police as the legislative assembly may direct.

Prosecuting attorney cannot be United States district attorney.—The duties of the offices of the prosecuting attorney and United States district attorney are incompatible, and the acceptance of the latter by a person holding the former will be deemed a resignation thereof.—*State ex rel v. Gibbs*, Or. Sup. Ct., Jan. term 1873. (This case does not appear in the Oregon reports.)

(Hill's Code, volume 2, page 1096.)

§ 2301. District attorneys to be elected in each judicial district, term of office.

§ 2302. Term of office; when to commence; how to qualify; oath of.

§ 2303. Vacancy, how filled; appointee, how to qualify; power, compensation, and duties of.

§ 2304. Salary of attorney; how payable; per diem for attendance on grand jury to be paid by county.

§ 2305. District attorneys now in office; term of office of; vacancy therein.

§ 2306. District attorney, when to be elected.

§ 2307. Partner of, not to appear against the state.

§ 2301. There shall be elected at the general election, by the qualified electors of the several judicial districts of this state, a district attorney from each of such districts, who shall hold his office for the term of two years, and until his successor is elected and qualified.

Oct. 21, 1861.
Sec. 1.
District attorney to be elected in each judicial district.
Term of office.

§ 2302. The term of office of a district attorney shall commence on the first Monday of July next following the election of such attorney, and before entering upon such office the person elected thereto must qualify therefor by filing with the secretary of state his certificate of election, with an oath of office indorsed thereon, and subscribed by him, to the effect that he will support the constitution of the United States, of this state, and faithfully and honestly demean himself in office.

Id., Sec. 2.
Term of office, when to commence. District attorney, how to qualify.
Oath of.
13 Or. 61.

*Oct. 21, 1861.
Sec. 3.
Vacancy to
be filled by
governor.* § 2303. If at any time a vacancy shall happen in the office of district attorney in any district, the governor must appoint some suitable person to fill such vacancy until his successor is elected and qualified. *Appointee to
fill vacancy,
how to
qualify.* A person appointed to fill a vacancy in the office of district attorney must qualify in the same manner as a person elected thereto, and shall have the like power and *Power, com-
pensation,
and duties of.* compensation, and perform the same duties.

*Feb. 25, 1889,
Sec. 1.
District at-
torney to ap-
point deputy.* § 2304. A district attorney, during his continuance in office, shall be entitled to appoint a suitable number of deputies in each county, and may, by a written appointment file[d] with the clerk of the county, authorize such deputy to attend upon the sittings of the grand jury, and may revoke such appointment at his pleasure. The district attorney, during his continuance in office, shall be entitled to receive from the state treasury an annual salary of five hundred dollars, payable quarterly as the *Salary of
district at-
torney how
payable.* salaries of other state officers, and for each day's attendance of himself or deputy in the circuit court or grand jury in any county in his district, he shall receive five dollars, to be paid *Per diem to
be paid by
county.* by the county in which such service is rendered.

*Oct. 21, 1861.
Sec. 5.
District at-
torneys now
in office,
term of.* § 2305. The district attorneys now in office, by the name and description of prosecuting attorneys, shall hold their offices for the term of two years from the first Monday of July next following the general election at which they or either of them were elected; and if any vacancy shall happen in any such office before the expiration of such term, it shall be filled in the *Vacancy.* manner provided in this chapter.

*Id. Sec. 6.
District at-
torney, when
to be elected.* § 2306. The general election at which a district attorney must be elected is the election next preceeding the expiration of the term of the then incumbent of such office.

*Oct. 20, 1866.
Sec. 1.
Partner of
district attor-
ney not to ap-
pear against
the state.* § 2307. It shall not be lawful for any district attorney within this state, who may have a partner in the practice of law, to suffer such partner to defend causes wherein the state of Oregon is plaintiff and such district attorney is the public prosecutor. And it shall be the duty of the several judicial officers of this state to prohibit such practice in all cases coming before them respectively in the different courts of this state.

(Hill's Code, volume 2, page 2004.)

MEMBERS OF BOARD OF EQUALIZATION.

Section 1. There shall be within the state a state board of equalization, which shall consist of one member from each judicial district in this state, and who shall be chosen as hereinafter provided.

*Feb. 21, 1891.
Board
created.*

Section 2. *When Members of the Board shall be Elected.* The qualified electors of each judicial district shall, at the general election in June, 1892, elect one of their number to serve as members of said board of equalization, who shall hold office until their successors are elected and qualified. The members of the said board shall be elected for the term of four years from and after the first Monday of July next after their election; *provided, however,* that the members of the said board elected at the general election in June, 1892, shall be divided into two classes; those of the odd numbered districts shall constitute the first class, and those of the even numbered districts shall constitute the second class; and the seats of the members of the first class shall be vacant at the expiration of two years and those of the second class at the expiration of four years from the first Monday of July next after their election, so that one half, or as near as possible, shall be chosen biennially forever thereafter. The manner of electing state boards of equalizations shall be the same as that of electing circuit judges as now provided by law; and in the case of vacancies occurring in said board by death, resignation, or otherwise, it shall be the duty of the governor to appoint some one having the qualifications of an elector in the district where the vacancy occurs, to fill the same until the next regular election for members of said board. Until the first general election after this act takes effect, the governor shall appoint the members of the board.

*Election,
term of office,
etc., of mem-
bers of board
of equaliza-
tion.*

ELECTION, COMMENCEMENT AND CLOSE OF TERM OF OFFICE OF COUNTY OFFICERS.

[Found in Hill's Code, page 101.]

COUNTY JUDGE.

CONSTITUTION OF OREGON, ARTICLE VII, SECTION II.

County
judges and
terms of
county court.

§ 11. There shall be elected in each county, for the term of four years, a county judge, who shall hold the county court at times to be regulated by law.

County judge's term of office.—Under this section "the term attaches to the person," and any one elected a county judge is chosen for the full period of four years, and not merely to fill an unexpired portion of the four years for which a predecessor may have been chosen.—*State ex rel. v. Johns*, 3 Or. 538.

Note.—There does not seem to be any statute specifically and accurately defining the time for the commencement and close of the term of office of a county judge. Sections 2456, 2457 and 2458 relating to county officers do not specify the office of county judge. The constitution fixes the duration or length of term of the office of a county judge as being four years, but does not state when such term shall begin. Section 2557 of Hill's Annotated Laws of Oregon being an old statute of 1854 specifies that the term of office of all officers shall begin to run from the time of their election, unless otherwise specified by statute. It would seem then, in the absence of any specific statute defining the commencement and close of the term of office of a county judge, that such term should commence to run from the time of his election. In the event that this theory is correct a county judge would take his office so soon after the day of election as he is officially notified by the county clerk of his county of such election. The county clerk having ten days in which to canvass the return of the election for his county, it would seem then that a county judge would ordinarily assume the duties of his office about the tenth day following the election. I am informed, however, that it has been customary in many counties for the county judge to assume the duties of his office on the same day or date as the majority of the other county officers assume the duties of their offices, namely: on the first Monday in July next following their election. It would be well for the legislative assembly to pass an act minutely and carefully defining the commencement and close of the term of office of a county judge and thus avoid any uncertainty or embarrassment as might easily arise under the present uncertain conditions of the statutes.—*H. R. Kincaid, Secretary of State.*

[Hill's Code, volume 2, page 1137.]

SHERIFF, CLERK, AND CORONER.

§ 2388. There shall be elected at a general election, by the qualified voters of each county in this state, a sheriff, county clerk, and coroner for such county, who shall each hold his office for the term of two years, and until his successor is elected and qualified.

*Oct. 24, 1884,
Sec. 1.
Sheriff, clerk,
and coroner.*

§ 2389. A person is not eligible to the office of sheriff, county clerk, or coroner unless he be a citizen of the United States, a qualified elector under the constitution of this state, and a resident of the county wherein he is elected for the period of one year next preceding his election.

*Id., Sec. 2.
Qualifica-
tion for eli-
gibility.*

§ 2390. The term of office of a sheriff, county clerk, and coroner shall commence on the first Monday of July next following the election of such sheriff, county clerk, or coroner; and before entering upon such office, or either of them, the person elected thereto must qualify therefor by filing with the clerk of the county wherein he is elected his certificate of election, with an oath of office indorsed thereon, and subscribed by him, to the effect that he will support the constitution of the United States and of this state, and faithfully demean himself in the office, and also give and file the undertaking hereinafter provided.

*Id., sec. 3.
Term of
office, oath
and under-
taking.*

(Hill's Code, volume 2, page 1160.)

TREASURER, ASSESSOR, SURVEYOR, AND COMMISSIONER.

§ 2456. There shall be elected at a general election by the qualified electors of each county in this state a county treasurer, county assessor, and county surveyor, who shall hold their offices for the term of two years, and until their successors are elected and qualified; *and be it further provided* that there shall be elected, at the first general election occurring after the passage of this act, two county commissioners; one of such county commissioners shall hold his office for two years, and the other for four years, and said two commissioners elected at such first occurring general election shall draw lots for the short and long term; and thereafter at each general election

*Feb. 21, 1887,
Sec. 1, p. 93.
County offi-
cers to be
elected.*

Feb. 21, 1887.
Sec. 1, p. 83.
County officers to be elected. one county commissioner shall be elected, who shall hold his office for the term of four years, and until his successor is elected and qualified.

Oct. 30, 1886.
Sec. 19.
Who are eligible. § 2457. A person is not eligible to either of the offices mentioned in section 2456 unless he is a citizen of the United States, a qualified elector under the constitution of this state, and a resident of the county wherein he is elected for the period of one year next preceding his election.

(Session laws, 1883, page 92.)

Feb. 21, 1893.
When term of office of county officers begins. § 2458. The term of office of the officers mentioned in section 2456 shall commence on the first Monday of July next following the election of such officers, except that the term of office of the county assessor, mentioned in section 2456 of this title and chapter, shall commence on the first Monday of January next following the election of such officer; and before entering upon such offices or either of them the person elected thereto must qualify therefor by filing with the county clerk of the county wherein he is elected his certificate of election with an oath of office endorsed thereon and subscribed by him, to the effect that he will support the constitution of the United States and of this state, and will faithfully demean himself in office, and also give and file the undertaking hereinafter provided.

Approved February 21, 1893.

(Hill's Code, volume 2, page 1144.)

CLERK OF THE CIRCUIT COURT.

Feb. 17, 1887.
Sec. 1, p. 126.
Recorder, clerk of circuit court, and clerk of county court to be elected. § 2409. From and after 12 o'clock M. of the first Monday of July, 1888, there shall be in Multnomah county a clerk of the circuit court, clerk of the county court, and recorder of conveyances, who shall be chosen for the period of two years respectively as other officers of the county are chosen, and who shall hold their offices until their successors are elected and qualified; *provided*, that persons to fill such offices for the terms commencing on the first Monday of July, 1888, shall be elected at the regular election in June, 1888; and from and after 12 o'clock M. of the first Monday of July, 1888, the office of county

clerk in Multnomah county shall cease to exist; and the county clerk of Multnomah county whose term of office shall expire on the first Monday of July, 1888, shall deliver to the clerk of the circuit court, clerk of the county court, and recorder of conveyances in Multnomah county, respectively, on said date the books, records, papers, files, and property which belong or appertain to the said respective offices.

*Feb. 17, 1887.
Sec. 1, p. 128
Recorder,
clerk of cir-
cuit court and
clerk of county
court to be
elected.*

[Hill's Code, volume 2, page 1189.]

COUNTY RECORDERS.

§ 2397. On, from, and after the first Monday of July, 1888, there shall be in the counties of Clackamas, Clatsop, Linn, Marion, Umatilla, Union, Washington, and Yamhill, they each having the number of voters required by the constitution, namely, twelve hundred, a recorder of conveyances, who shall be chosen in the same manner as the other officers of the county are chosen, and who shall hold their offices for two years, and until their successors are elected and qualified; *provided*, that the persons to be elected to such offices for the terms commencing on the first Monday of July, 1888, shall be elected at the general election in 1888. The office of recorder of conveyances in said counties shall be separate and distinct from the county clerk's office of said counties. The recorder of conveyances in each of said counties, before entering upon the duties of his office shall execute to the state of Oregon, and file with the county court of his county, a bond in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the county judge of his county, with a condition that he will faithfully, correctly, and impartially perform all the duties of his office, and shall deliver to his successor in office, all books, records, maps, deeds, mortgages, papers, and things belonging to his office, then the said obligation shall be void; otherwise to remain in full force and effect.

*Feb. 21, 1887.
Sec. 1.
Recorder of
conveyances
in certain
counties. St.
1887, p. 60.*

*Bond re-
quired of
him.*

[Hill's Code, volume 2, page 1214.]

COUNTY SCHOOL SUPERINTENDENT.

*Oct. 29, 1872.
Sec. 21.
Election and
term of
county super-
intendent.* § 2586. There shall be elected by the legal voters of the several counties of this state, at the biennial elections, a county superintendent of common schools for each county, who shall hold his office for two years, or until his successor has been chosen and has qualified as required by this chapter.

*Id., Sec. 22.
When and
how he must
qualify;
oath of.* § 2587. The superintendent elect, shall qualify within thirty days after the day of election, by taking an oath to support the constitution of the United States and the state of Oregon, and to faithfully discharge the duties required of him by this act; said oath shall be reduced to writing, subscribed to, and placed on file in the county clerk's office of his county.

[Hill's Code, volume 2, page 1166.]

JUSTICES OF THE PEACE AND CONSTABLE.

*Feb. 20, 1891,
Sec. 1.
Justice of the
peace, elec-
tion of,
term of office
of. St. 1891,
p. 97.* § 2486. It shall be the duty of the county court in the several counties of the state, at the regular January term in January, 1892, and biennially thereafter whenever the court shall deem it necessary, preceding the general election, to set off and establish justice of the peace and constable districts within the county. Each of such justice of the peace and constable districts shall be composed on one or more election precincts, and shall be designated by name or number.

*Oct. 21, 1884.
Term of office
when to com-
mence.* § 2487. The term of office of a justice of the peace shall commence on the first Monday in July next following the election of such justice; and before entering upon such office, the person elected thereto must qualify therefor by filing with the county clerk of the county wherein he is elected his certificate of election, with an oath of office indorsed thereon, and subscribed by him, to the effect that he will support the constitution of the United States, of this state, and faithfully and honestly demean himself in office, and also file with such clerk the official undertaking mentioned in the next section.

*How to
qualify for.*

*Certificate of
election to be
filed where.*

*Oath of
office.*

§ 2491. A person is not eligible to the office of justice of the peace unless he is a citizen of the United States, a qualified elector under the constitution of this state, and a resident of precinct wherein he is elected six months next preceding his election.

*Oct. 31, 1884.
Sec. 7.
Who are
eligible to the
office of
justice of the
peace.*

§ 2492. Each such justice of the peace and constable district shall elect one justice of the peace, who shall hold his office for two years, and until his successor is elected and qualified,

*Feb. 30, 1891.
Sec. 8.
Election and
term of office
of justice of
the peace.
St. 1891, p. 97.*

§ 2493. Each such justice of the peace and constable district shall elect one constable at each general election, and who shall hold office for two years, and until his successor is elected and qualified.

*Id. Sec. 9.
St. 1891, p. 97.
Election of
constable.*

§ 2494. The term of office of a constable shall commence on the first Monday in July next following the election of such constable; and before entering upon such office the person elected thereto must qualify therefor by filing with the county clerk of the county wherein he is elected his certificate of election with an oath of office endorsed thereon, and subscribed by him, to the same effect as the oath of office of a justice of the peace, and also file with such clerk the official undertaking mentioned in the next section.

*Oct. 24, 1884.
Sec. 10.
Commence-
ment of term;
oath and un-
dertaking.*

§ 2498. The general election at which a justice of the peace must be elected is the election next preceding the expiration of the term of the then incumbent of such office.

*Id. Sec. 14.
At what elec-
tion chosen.*

MISCELLANEOUS STATUTES PERTAINING TO ELECTIONS.

[Hill's Code, volume 2, page 1199.]

OF RESIGNATIONS.

§ 2549. Resignation of certain officers; election to fill vacancy in assembly.

§ 2550. Resignation, to whom made.

§ 2549. Any person who shall receive a certificate of his election as a member of the legislative assembly, coroner, or commissioner of the county court, shall be at liberty to resign such office, though he may not have entered upon the execution of his duties or taken the requisite oath of office; and when any vacancy shall happen in the office of member of the senate or house of representatives by death, resignation, or otherwise,

*Oct. 29, 1870.
Sec. 4.
Resignation
of certain
officers. What
of election.*

*Oct. 29, 1870.
Sec. 40.
Resignation
of certain
officers.
Writ of elec-
tion.*

and a session of the legislature is to take place before the next biennial election, the governor shall issue a writ of election, directed to the sheriff of the county, or sheriffs of the counties composing the district in which such vacancy shall occur, commanding him or them to notify the several judges of election in his county or their district to hold a special election to fill such vacancy or vacancies, at a time appointed by the governor.

*Id., Sec. 41.
Resignation,
to whom
made.*

§ 2550. Resignations shall be made as follows:—

1. By the secretary of state and state treasurer, and by all officers elected by the legislature, to the governor.
2. By all officers who hold their offices by election, to the officer or officers, respectively, authorized by law to order a special election to fill such offices, respectively.
3. By all other officers holding their offices by appointment, to the body, board, or officer that appointed them.

[Hill's Code, volume 2, page 1199.]

OF VACANCIES.

§ 2551. Office, when becomes vacant.

§ 2552. Office, when governor to declare vacant.

*Id., Sec. 42.
Office, when
becomes
vacant.*

§ 2551. Every office shall become vacant on the occurring of either of the following events before the expiration of the term of such office:—

1. The death of the incumbent.
2. His resignation.
3. His removal.
4. His ceasing to be an inhabitant of the district, county, town, or village for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged.
5. His conviction of any infamous crime, or of any offense involving a violation of his oath.
6. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law.

7. The decision of a competent tribunal declaring void his election or appointment.

§ 2552. The governor shall also declare vacant the office of every officer required by law to execute an official bond whenever a judgement shall be obtained against such officer for a breach of the conditions of such bond.

Oct. 29, 1870.
Sec. 12.
Office, when
becomes va-
cant.
Id., Sec. 17.
Office, when
governor to
declare
vacant.

[Hill's Code, volume 2, page 1202.]

OF THE ELECTION OF PRESIDENTIAL ELECTORS.

- § 2561. Presidential electors, when and how many elected.
- § 2562. Meeting of electors at seat of government; vacancy in electoral college, how filled; duties of electors.
- § 2563. Votes for electors, how given, received, canvassed, and returned; list of electors chosen, how prepared and authenticated; list to be delivered to electors.
- § 2564. Compensation of electors.

§ 2561. On the Tuesday next after the first Monday in November, 1864, and every four years thereafter, there shall be elected by the qualified electors of this state as many electors of president and vice-president as this state may be entitled to elect of senators and representatives in congress.

Oct. 24, 1864.
Sec. 1.
Presidential
electors.

Note.—An act of the legislative assembly of 1864 (Hill's Code, vol. 2, p. 1202, sec. 2562) provided that the electors of president and vice-president should convene at the seat of government on the first Wednesday of December next after their election at the hour of 12 o'clock at noon of that day and proceed to perform the duties required of them by the constitution and laws of the United States. This act was rendered inoperative as to the time of meeting by an act of congress of February 3, 1887, (24 Stat. L., 373) which provided that such electors shall meet and give their votes on the second Monday in January next following their election or appointment at at such place in each state as the legislature of such state shall direct. The legislature of Oregon having failed to enact a statute in conformity with the United States statute, the electors of this state have been meeting and giving their votes in accordance with the United States statute since 1887, a copy of which statute is published in full in the following pages of this book.—*H. R. Kincaid, Secretary of State.*

§ 2563. The votes for the electors shall be given, received, returned, and canvassed as the same are given, returned, and canvassed for members of congress. The secretary of state

Oct. 24, 1864.
Sec. 3.
Presidential
electors,
votes for.
List of elec-

Oct. 21, 1864, Sec. 3. Lists chosen. Lists to be delivered to college. shall prepare two lists of the names of the electors elected, and affix the seal of the state to the same. Such lists shall be signed by the governor and secretary of state, and by the latter delivered to the college of electors at the hour of their meeting on such first Wednesday of December.

Id., Sec. 4. Compensation of electors. § 2564. Every such elector who shall attend at the time and place appointed, and give his vote for president and vice-president shall be entitled to receive from this state three dollars for each day's attendance at such election, and three dollars for each twenty miles' travel in going to and returning from the place where the electors shall meet, on the usually traveled route.

Note.—This section states that the electors of president and vice-president shall receive certain per diem and mileage for their services, but does not direct the secretary of state to audit their accounts, nor does it specify out of what money, fund or funds such accounts are to be paid, and furthermore, does not appropriate quadrennially any specific sum to cover such expenses. The payment of these accounts not being specifically provided for by law it has been customary in Oregon to either pay such expenses out of the incidental fund (a procedure entirely unauthorized by law), or to place the claims of the electors before the legislature meeting next after the expenses were incurred, and ask specific appropriation to cover them.—*H. R. Kincaid, Secretary of State.*

MEETINGS AND PROCEEDINGS OF PRESIDENTIAL ELECTORS.

[Supplement revised, United States statutes, vol. 1, sec. ed., page 525.]

An act to fix the day for the meeting of the electors of president and vice-president, and to provide for and regulate the counting of the votes for president and vice-president, and the decision of questions arising thereon.

*Feb. 3, 1857.
34 Stat. L.,
573.*

Be it enacted, That the electors of each state shall meet and give their votes on the second Monday in January next following their appointment, at such place in each state as the legislature of such state shall direct.

*Presidential
electors, when
to meet and
vote. R. S.
Sec's 131-135.*

Section 2. That if any state shall have provided, by laws enacted prior to the day fixed by the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such state, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such state is concerned.

*Determina-
tion under
state laws of
controversy
as to appoint-
ment of elec-
tors, to be
conclusive, if
made six days
before meet-
ing. R. S.
Sec. 133.*

Section 3. That it shall be the duty of the executive of each state, as soon as practicable after the conclusion of the appointment of electors in such state, by the final ascertainment under and in pursuance of the laws of such state providing for such ascertainment, to communicate, under the seal of the state, to the secretary of state of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such state of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast;

*Certificate of
appointment
of electors, to
be sent to
secretary of
state—*

*Feb. 3, 1887.
And de-
clared to elec-
tors. R. S.
sec's 138-149.
1899, Oct. 19,
ch. 1216, post,
p. 655.*

And it shall also thereupon be the duty of the executive of each state to deliver to the electors of such state, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the state;

*Certificates
and votes of
electors have
to be trans-
mitted.*

And such certificate shall be enclosed and transmitted by the the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of government the lists of all persons voted for as president and of all persons voted for as vice-president.

*Repeal of R.
S., sec. 136.*

And section 136 of the revised statutes is hereby repealed.

*Certificate of
determination
of controversy
to be sent to
secretary of
state.*

And if there shall have been any final determination in a state of a controversy or contest as provided for in section 2 of this act, it shall be the duty of the executive of such state, as soon as practicable after such determination, to communicate, under the seal of the state, to the secretary of state of the United States, a certificate of such determination, in form and manner as the same shall have been made.

[Revised U. S. statutes, page 1073.

UNITED STATES STATUTES DEFINING CRIMES AGAINST ELECTIVE FRANCHISE.

*Intimidating
voters by
bribery or
threats.*

Section 5507. Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising, the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

*Conspiracy to
injure or in-
timidate
citizens in the
exercise of
civil rights.*

Section 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States, or because of his having so

exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the constitution or laws of the United States.

Conspiracy to injure or intimidate citizens in the exercise of civil rights.

Section 5509. If, in the act of violating any provision in either of the two preceding sections, any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the state in which the offense is committed.

Other crimes committed in violating preceding sections.

Section 5510. Every person who, under color of any law statute, ordinance, regulation, or custom, subjects or causes to be subjected, any inhabitant of any state or territory to the deprivation of any rights, privileges, or immunities secured or protected by the constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year or by both.

Depriving citizens of civil rights under color of state laws.

Section 5516. Every person who willfully obstructs, hinders or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of sections 1984 and 1985, title "Civil Rights," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or rescues or attempts to rescue such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent

Obstructing execution of process in civil rights cases.

*Obstructing
execution of
process in
civil rights
cases.*

his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both.

*Marshal re-
fusing to
receive or ex-
ecute process.*

Section 5517. Every marshal and deputy marshal who refuses to receive any warrants or other process when tendered to him, issued in pursuance of the provisions of section 1985. Title "Civil Rights," or refuses or neglects to use all proper means dilligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party aggrieved thereby.

*Conspiracy
to prevent
accepting or
holding office
under the
United States,
etc.*

Section 5518. If two or more persons in any state or territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any state, district, or place his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property, so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or both by such fine and imprisonment.

*Conspiracy to
deprive any
person of the
equal protec-
tion of the
laws.*

Section 5519. If two or more persons in any state or territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any state or territory from giving or securing to all persons within such state or territory the equal protection of the laws; each of such persons shall be punished

by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months, or more than six years, or by both such fine and imprisonment.

Conspiracy to deprive any person of the equal protection of the laws.

Section 5528. Every officer of the army or navy, or other person in the civil, military or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general election or special is held in any state, unless such force be necessary to repel armed enemies of the United States, or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years.

Unlawful presence of troops at elections.

Section 5529. Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any state from freely exercising the right of suffrage at any general or special election in such state, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years.

Intimidation of voters by officers, etc., of army or navy.

Section 5530. Every officer of the army or navy, who prescribes or fixes, or attempts to prescribe or fix whether by proclamation, order, or otherwise, the qualifications of voters at any election in any state, shall be punished as provided in the preceding section.

Officers of army or navy prescribing qualifications of voters.

Section 5531. Every officer or other person in the military or naval service, who by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any state to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a state different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section 5529.

Interference of same with officer of election, etc.

Section 5532. Every person convicted of any of the offenses specified in the five preceding sections shall, in addition to the

Disqualification for holding office.

*Disqualification
for holding
office.*

punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may be long, if otherwise qualified according to the laws of the state in which he offers to vote.

[Hill's Code, volume 1, page 934.]

STATUTES OF OREGON DEFINING CRIMES AGAINST PUBLIC JUSTICE.

- § 1828. Bribing or offering to bribe judicial, legislative, or executive officer.
- § 1829. Judicial, legislative, or executive officer receiving or agreeing to receive a bribe.
- § 1832. Executive officer, definition of.
- § 1843. Bribing or offer to bribe voter.
- § 1844. Voter receiving bribe or promise of the same.
- § 1845. Voter, definition of.
- § 1846. Voting or offering to vote illegally.
- § 1847. Violence or menace to prevent person from voting or challenging: punishment of.
- § 1848. Inducing person to come into state, etc., to vote, to be deemed a felony.
- § 1849. Inducing a person to absent himself so as to prevent his voting, to be deemed a felony.
- § 1850. Inducing person to stay away from polls, to be deemed a felony.
- § 1851. Violation of §§ 1848, 1849, or 1850, punishment of.
- § 1853. Destroying, secreting, or mutilating public records.

*Oct. 19, 1881.
Sec. 601.
Bribing or
offering to
bribe any
judicial, leg-
islative, or
executive
officer.*

§ 1828. If any person shall corruptly give, offer, or promise to give any gift, gratuity, valuable consideration, or thing whatever, or shall corruptly promise to do or cause to be done any act beneficial to any judicial, legislative, or executive officer, with intent to influence the vote, opinion, decision, judgment, or other official conduct of such officer in any matter, question, duty, cause, or proceeding, which then is or by law may come or be brought before such officer, or with intent to influence such officer to act in his official capacity in a particular manner so as to produce or prevent any particular result, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than ten years.

§ 1829. If any judicial, legislative, or executive officer shall corruptly accept or receive any gift, gratuity, valuable consideration or thing whatever, or any promise thereof, or any promise to do or cause to be done any act beneficial to such officer, with the understanding or agreement, express or implied, that such officer will give his vote, opinion, decision, or judgment in a particular manner in any matter, question, duty, cause, or proceeding which then is or may by law come or be brought before such officer, or with the understanding or agreement that such officer will in his official capacity act in a particular manner, or so as to produce or prevent any particular result, such officer, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than five nor more than fifteen years.

*Oct. 19, 1881,
Sec. 809.
Judicial, legislative, or executive officer receiving or agreeing to receive bribe.*

§ 1832. Every officer of this state, or of any county, town, or other municipal or public corporation therein, not included in the definition of judicial and legislative officers, as defined in sections 1830 and 1831, from the time of his election or appointment, shall be held and deemed to be an executive officer within the meaning of sections 1828 and 1829, and for the purposes therein expressed.

*Id., Sec. 808.
Executive officer, definition of.*

§ 1843. If any person shall give, offer, or promise to give any gift, gratuity, valuable consideration, or thing whatever to any voter of this state, or shall promise to do or cause to be done any act beneficial to such voter, with intent to influence or induce such voter to vote at any legally authorized election in this state for or against a particular person or candidate, or in a particular way, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

*Id., Sec. 816.
Bribing or offering to bribe voter.*

§ 1844. If any voter of this state shall accept any gift, gratuity, valuable consideration, or thing, or any promise thereof, or any promise to do or cause to be done any act beneficial to such voter, with the understanding or agreement, express or implied, that such voter will, at any legally authorized election in this state, give his vote for or against a particular person or

*Id., Sec. 817.
Voter receiving bribe or promise of the same.*

*Oct. 19, 1861.
Sec. 617.
Voter receiving bribe or promise of the same.* candidate, or in a particular way, such voter, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

*Id., Sec. 618.
Voter, defendant of punishment for second crime.* § 1845. A person who actually votes, or offers to vote at the election specified and designated in sections 1843 and 1844, although by law he may not be entitled to vote thereat, shall be held and deemed to be a voter within the meaning of such sections 1843 and 1844, and for the purposes therein expressed. If any person, having been convicted of any crime defined in sections 1843 and 1844, shall afterwards be convicted of the same or any other crime therein defined, such person shall be punished by imprisonment in the penitentiary as therein provided, and not otherwise.

*Oct. 22, 1870.
Sec. 19.
Voting or offering to vote illegally.* § 1846. If any person shall vote, or offer to vote, at any legally authorized election in this state, knowing himself not entitled by law to vote thereat, or shall vote, or offer to vote, at any poll or in any precinct at any such election, knowing himself not entitled to vote at such poll or in such precinct, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than five hundred dollars.

Indictment for illegal voting.—An indictment for illegal voting is sufficient after verdict when it charges the defendant with having wilfully, knowingly, and unlawfully voted at a legally authorized election for representative of congress; though it does not disclose the reason of the defendant's qualification: *State v. Bruce*, 5 Or. 68.

*Id., Sec. 21.
Violence to prevent person from voting, etc., punishment of.* § 1847. If any person or persons shall by menace, threat or violence, whether armed or unarmed, intimidate or prevent, or attempt to intimidate or prevent any person from challenging another voter, or to prevent any person from voting, such person or persons so offending shall, upon conviction, be punished by imprisonment in the county jail not less than three months nor more than one year.

§ 1848. Any person who shall by promise of favor, or reward, or otherwise, induce or persuade any person to come into this state, or into any county or precinct within this state, for the purpose and with the intent that such person shall, by so changing his habitation, vote at any general election which may hereafter be held in this state, at any place where such voter or person is not a *bona fide* resident, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished as hereinafter provided.

Oct. 23, 1870.
Sec. 1.
Inducing person to come into state, etc., to vote, to be deemed a felony.

§ 1849. Any person shall also be deemed guilty of a felony who shall by promises of favor, or reward, or otherwise, induce or persuade any voter within this state to absent himself from his actual and *bona fide* place of residence with intent to prevent or hinder such person from voting at such place of residence at any general election in this state.

Id., Sec. 2.
Inducing person to absent himself so as to prevent his voting.

§ 1850. Any person who shall, in the manner provided in the preceding section, induce or persuade any legal voter to remain away from the polls, and not vote at any general election in this state shall, on conviction, be deemed guilty of a felony.

Id., Sec. 3.
Inducing person to stay away from polls.

§ 1851. Any person, upon conviction for a violation of either of the preceding sections, shall be imprisoned in the penitentiary not less than one nor more than three years, or shall be fined not less than one hundred dollars nor more than one thousand dollars, or shall be punished by both such fine and imprisonment, in the discretion of the court, and shall be forever ineligible to hold any office of trust or profit in this state.

Id., Sec. 4.
Violations of sections 1848, 1849, and 1850, punishment of.

§ 1853. If any person having the legal custody of any public record, book, paper, or writing, shall willfully destroy, secrete, or mutilate the same; or if any attorney shall wilfully destroy, secrete, or mutilate any such record, book, paper, or writing, or shall wrongfully take the same from the person having the legal custody thereof, or having obtained the possession of such record, book, paper, or writing lawfully, shall wrongfully refuse or neglect to return or produce the same when lawfully required or demanded so to do, such person or attorney, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year,

Oct. 19, 1854.
Sec. 621.
Destroying, secreting, or mutilating public records.

*Oct. 19, 1884.
Sec. 621.
Destroying,
secreting, or
mutilating
public
records.*

or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred dollars nor more than five hundred dollars.

Not a public record, paper or writing.—A form of entry signed by the judge and intended for entry in the journal of the court is not a "public record, paper, or writing," the mutilating or changing of which is prohibited.— *Ex parte Tongue*, 29 Or. 49.

[Hill's Code, volume 1, page 960.]

STATUTES OF OREGON DEFINING CRIMES AGAINST PUBLIC POLICY.

- § 1898. Negligence or corruption of officers of election.
- § 1899. Disorderly conduct at polls.
- § 1910. Disposal of liquor on election day.
- § 1911. Penalty therefor.
- § 1912. Officers to report violations. Fines, how disposed of.

*Id., Sec. 660.
Negligence or
corruption of
officers of
election.*

§ 1898. If any judge or clerk of an election, or other officer or person on whom any duty is enjoined by law relative to any election authorized by law, or to the return or canvassing of votes given at any such election, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the discharge of the same, such judge, clerk, officer, or other person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than five hundred dollars.

*Id., Sec. 661.
Disorderly
conduct at
polls.*

§ 1899. If any person shall behave in a riotous, disorderly, or tumultuous manner at or in the immediate vicinity of any poll or place of voting during the progress of any election authorized by law, or shall wilfully and wrongfully disturb or interrupt the officers or either of them engaged in holding any such election, or any person being in such vicinity and voting or attempting or intending to vote thereat, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty dollars nor more than five hundred dollars.

§ 1910. It shall be unlawful in this state for any person to barter, sell, give away, or in any manner dispose of any intoxicating liquor on the day of any general or special election of state, county, or municipal officers, within the state, district, county, or corporation in which such election is held.

*Oct. 26, 1974,
Sec. 1.
Disposing of
liquor on
election day.*

§ 1911. Any person violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or both, in the discretion of the court.

*Id., Sec. 2.
Penalty.*

§ 1912. It is hereby made the duty of all magistrates, sheriffs, and constables to report to the grand jury all violations of the provisions of this act which may come to their knowledge in their respective counties; and all fines collected under this act shall be paid into and become a part of the common school fund of the county in which the same shall be collected.

*Id., Sec. 3.
Officers must
report viola-
tions to
grand jury.
Fines, how
disposed of.*

DIVISION OF OREGON INTO SENATORIAL AND REPRESENTATIVE DISTRICTS.

[Chap. I, title I, Hill's Annotated Code, volume 2, page 1068.]

TITLE I.—OF THE APPORTIONMENT OF SENATORS AND REPRESENTATIVES.

- § 2186. Number of members in each house.
- § 2187. Ratio of apportionment.
- § 2188. Division into senatorial districts, and apportionment of senators.
- § 2189. Division into representative districts, and apportionment of representatives.
- § 2190. Hold-over senators, and senators of districts where they reside.
- § 2191. Representative of Malheur county.
- § 2192. Representative of Wallowa county.

*Feb. 17, 1887.
Sec. 1.
Number of
members of
each house.
St. 1887, p. 16.* § 2186 On and after the first Monday in June, 1888, the senate of this state shall consist of thirty members, and the house of representatives of sixty members.

*Id., Sec. 2.
Ratio of
apportionment.* § 2187. The ratio for the apportionment of this state into senatorial districts shall be one senator for every six thousand five hundred and ninety-two of white population, or fraction thereof exceeding one half in each senatorial district; and the ratio for the apportionment of this state into representative districts shall be one representative for every three thousand two hundred and ninety-six of white population, or fraction thereof exceeding one half in each representative district.

*Feb. 17, 1887.
Sec. 3.
Division into
senatorial
districts and
apportionment
of senators.* § 2188. The county of Marion shall constitute the first senatorial district, and shall be entitled to two senators.
The county of Linn shall constitute the second senatorial district, and shall be entitled to two senators.

The county of Lane shall constitute the third senatorial district, and shall be entitled to two senators.

The county of Douglas shall constitute the fourth senatorial district, and shall be entitled to one senator.

The counties of Coos, Curry and Josephine shall constitute the fifth senatorial district, and shall be entitled to one senator jointly.

The county of Jackson shall constitute the sixth senatorial district, and shall be entitled to one senator.

The counties of Crook, Lake and Klamath shall constitute the seventh senatorial district, and shall be entitled to one senator jointly.

The county of Benton shall constitute the eighth senatorial district, and shall be entitled to one senator.

The county of Polk shall constitute the ninth senatorial district, and shall be entitled to one senator.

The county of Yamhill shall constitute the tenth senatorial district, and shall be entitled to one senator.

The county of Clackamas shall constitute the eleventh senatorial district, and shall be entitled to one senator.

The county of Washington shall constitute the twelfth senatorial district, and shall be entitled to one senator.

The counties of Clackamas and Marion shall constitute the thirteenth senatorial district, and shall be entitled to one senator jointly.

The county of Multnomah shall constitute the fourteenth senatorial district, and shall be entitled to five senators.

The county of Clatsop shall constitute the fifteenth senatorial district, and shall be entitled to one senator.

The counties of Washington, Columbia and Tillamook shall constitute the sixteenth senatorial district, and shall be entitled to one senator jointly.

The county of Wasco shall constitute the seventeenth senatorial district, and shall be entitled to one senator.

The counties of Wasco and Gilliam shall constitute the eighteenth senatorial district, and shall be entitled to one senator jointly.

The county of Umatilla shall constitute the nineteenth senatorial district, and shall be entitled to one senator.

The counties of Umatilla and Union shall constitute the twentieth senatorial district, and shall be entitled to one senator jointly.

The county of Union shall constitute the twenty-first senatorial district, and shall be entitled to one senator.

*Feb. 17, 1887.
Sec. 3.
Division into
senatorial
districts and
apportion-
ment of
senators.*

Feb. 17, 1887.
Sec. 3.
Division into
senatorial dis-
tricts and ap-
portionment
of senators.

The county of Baker shall constitute the twenty-second senatorial district, and shall be entitled to one senator.

The county (counties) of Grant and Morrow shall constitute the twenty-third senatorial district, and shall be entitled to one senator jointly.

Id., Sec. 4.
Division into
representative
districts and ap-
portionment of
representatives.

§ 2189. The county of Marion shall constitute the first representative district, and shall be entitled to five representatives.

The county of Linn shall constitute the second representative district, and shall be entitled to three representatives.

The county of Lane shall constitute the third representative district, and shall be entitled to three representatives.

The county of Douglas shall constitute the fourth representative district, and shall be entitled to three representatives.

The county of Coos shall constitute the fifth representative district, and shall be entitled to one representative.

The counties of Coos and Curry shall constitute the sixth representative district, and shall be entitled to one representative jointly.

The county of Josephine shall constitute the seventh representative district, and shall be entitled to one representative.

The county of Jackson shall constitute the eighth representative district, and shall be entitled to three representatives.

The county of Benton shall constitute the ninth representative district, and shall be entitled to two representatives.

The county of Polk shall constitute the tenth representative district, and shall be entitled to two representatives.

The county of Yamhill shall constitute the eleventh representative district, and shall be entitled to two representatives.

The counties of Yamhill and Tillamook shall constitute the twelfth representative district, and shall be entitled to one representative jointly.

The county of Clackamas shall constitute the thirteenth representative district, and shall be entitled to three representatives.

The county of Multnomah shall constitute the fourteenth

representative district, and shall be entitled to nine representatives.

The county of Washington shall constitute the fifteenth representative district, and shall be entitled to three representatives.

The county of Clatsop shall constitute the sixteenth representative district, and shall be entitled to two representatives.

The county of Columbia shall constitute the seventeenth representative district, and shall be entitled to one representative.

The county of Wasco shall constitute the eighteenth representative district, and shall be entitled to two representatives.

The county of Gilliam shall constitute the nineteenth representative district, and shall be entitled to one representative.

The county of Morrow shall constitute the twentieth representative district, and shall be entitled to one representative.

The county of Umatilla shall constitute the twenty-first representative district, and shall be entitled to three representatives.

The county of Union shall constitute the twenty-second representative district, and shall be entitled to three representatives.

The county of Baker shall constitute the twenty-third representative district, and shall be entitled to two representatives.

The county of Grant shall constitute the twenty-fourth representative district, and shall be entitled to one representative.

The counties of Klamath and Lake shall constitute the twenty-fifth representative district, and shall be entitled to one representative jointly.

The county of Crook shall constitute the twenty-sixth representative district, and shall be entitled to one representative.

§ 2190. Senators holding over, representing districts composed of more than one county, shall, when the districts have been changed by this act, be considered senators of the districts created by this act in which they reside.

*Id., Sec. 5.
Hold-over
senators are
senators of
district
where they
reside.*

§ 2191. The legal electors of Malheur county shall be entitled to elect at the general state election of 1888, and thereafter until otherwise provided by law, one member of the house of

*Id., Sec. 4.
Representa-
tives of Mal-
heur county.*

*Feb. 17, 1887,
Sec. 4.
Representa-
tive of Mal-
heur county.* representatives; while Baker county shall be entitled to elect one; and said county shall, for senatorial purposes, be annexed to the twentieth senatorial district, and be entitled with said district to one senator, until otherwise provided by law.

*Id., Sec. 4.
Representa-
tive of Wal-
lowa county.* § 2192. The legal voters of Wallowa county shall be entitled to elect at the general election of 1888, and thereafter until otherwise provided by law, one member of the house of representatives, while Union county shall be entitled to elect one; and the said Wallowa county shall, for senatorial purposes, be annexed to the eighteenth senatorial district, and be entitled, with said district, to one senator, until otherwise provided by law.

UNITED STATES STATUTE GOVERNING SENATORIAL ELECTIONS.

An act to regulate the times and manner of holding elections for senators
in congress.

*Be it enacted by the Senate and House of Representatives of the
United States of America, in Congress assembled.*

That the legislature of each state which shall be chosen next preceding the expiration of the time for which any senator was elected to represent said state in congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in congress, in the place of such senator so going out of office, in the following manner: Each house shall openly, by a *viva voce* vote of each member present, name one person for senator in congress from said state, and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each house, shall be entered on the journal of each house by the clerk or secretary thereof; but if either house shall fail to give such majority to any person on said day, that fact shall be entered on the journal. At 12 o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person shall have received a majority of all the votes in each house, such person shall be declared duly elected senator to represent said state in the congress of the United States; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this act, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for the purpose aforesaid, and the person having a majority of all the votes of the said joint assembly, a majority of all the members elected to both houses being present and voting, shall be

July 22, 1866.
U. S. Stat.
at L., vol. 14,
p. 243.
United States
senators,
mode of
elections.

July 25, 1866.
U. S. Stat.
at L., vol. 14,
p. 243.
United States
senators,
mode of
election declared duly elected; and in case no person shall receive such majority on the first day, the joint assembly shall meet at 12 o'clock, meridian, of each succeeding day during the session of the legislature, and take at least one vote until a senator shall be elected.

Idem. Section 2. *And be it further enacted,* That whenever, on the meeting of the legislature of any state, a vacancy shall exist in the representation of such state in the senate of the United States, said legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a senator for a full term; and if a vacancy shall happen during the session of a legislature, then on the second Tuesday after the legislature shall have been organized and shall have notice of such vacancy.

Idem. Section 3. *And be it further enacted,* That it shall be the duty of the governor of the state from which any senator shall have been chosen, as aforesaid, to certify his election, under the seal of the state, to the president of the senate of the United States, which certificate shall be countersigned by the secretary of state of the state.

[Revised Statutes of U. S. page 380.]

UNITED STATES STATUTES GOVERNING NATURALIZATION OF ALIENS.

Naturaliza-
tion of aliens,
Methods of
procedure. Section 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath before a circuit or district court of the United States, or a district or supreme court of the territories or a court of record of any of the states having common law jurisdiction, and a seal and clerk two years at least prior to his admission that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly by name the prince, potentate, state or sovereignty, of which the alien may be at the time a citizen or subject.

Second. He shall at the time of his application to be admitted, declare on oath, before some one of the courts above specified, that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state or sovereignty; and particularly, by name, to the prince, potentate, state or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

*Naturaliza-
tion of aliens,
Method of
procedure.*

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and during that time, he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall, in no case, be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States, before 29th day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years at least within the jurisdiction of the United States, and one year at least immediately preceding his application within the state or territory where such court is at the time held; and on his declaring on oath that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly by name to the prince, potentate, state or sov-

*Naturalization
of aliens.
Method of
procedure.*

ereignity, whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that, during such term, of two years, he has behaved as a man of good moral character attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien applying for admission to citizenship has borne any hereditary title or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings required in this condition to be performed in the court shall be recorded by the clerk thereof.

Sixth. Any alien, who was residing within the limits and under the jurisdiction of the United States between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person without a certificate of such declaration of intention makes application to be admitted a citizen it must be proved to the satisfaction of the court that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Section 2165. Addenda. That the declaration of intention to become a citizen of the United States, required by section 2165 of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section 2165 (preceding section); and all such declarations heretofore made before any clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

Declaration may be made before clerk of court.

Section 2166. Any alien of the age of twenty-one years and upwards, who has enlisted, or may enlist, in the armies of the United States, either the regular or volunteer forces, and has been or may be hereafter honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character as now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States.

Special privileges to aliens who have served in U. S. army.

[Extract from act of July 26, 1894, vol. 28, U. S. Statutes, p. 124.]

Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States navy or marine corps, and has served or may hereafter serve five consecutive years in the United States navy or one enlistment in the United States marine corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States navy or marine corps.

Special privileges to aliens who have served in U. S. navy.

Section 2167. Any alien being under the age of twenty-one years, who has resided in the United States three years next

Original declaration not necessary to alien minor.

Original declaration not necessary to alien minor. preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of 2165; but such alien shall make the declaration required therein at the time of his admission and shall further declare on oath, and prove to the satisfaction of the court that for two years next preceding it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects, comply with the laws in regard to naturalization.

Widow and children of alien who has made declaration. Section 2168. When any alien who has complied with the first condition specified in section 2165 dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oath prescribed by law.

Negroes, etc. (Section 2169, as amended by act of February 18, 1875, Vol. 18, U. S. Statutes, p. 318.) The provisions of this title shall apply to aliens, being free white persons, and to aliens of African nativity, and to persons of African descent.

Term of residence in U. S. Section 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

Alien enemies. Section 2171. No alien who is a native citizen or subject or a denizen of any country, state, or sovereignty, with which the United States are at war at the time of his application shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the territories thereof, on the eighteenth day of June in the year one thousand eight hundred and twelve, who had before that day made a declaration according to law of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof notwithstanding they were alien enemies at the time, and in the manner pre-

scribed by the law heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law of any alien enemy at any time previous to the actual naturalization of such alien.

*Alien
enemies.*

Section 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of 21 years, at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof, and the children of persons who now are, or have been citizens of the United States shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof. But no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britian during the revolutionary war, shall be admitted to become a citizen without the consent of the legislature of the legislature of the state in which such person was proscribed.

*Children of
naturalized
persons.*

*proscribed
aliens, etc.*

Section 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with a certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

*Naturaliza-
tion of
seamen.*

Article XVII of the Constitution of Oregon.

PROVISIONS OF THE CONSTITUTION OF OREGON GOVERNING CONSTITUTIONAL AMENDMENTS.

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the legislative assembly to be chosen at the next general election; and if, in the legislative assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislative assembly to submit such amendment or amendments to the electors of the state, and cause the same to be published without delay at least four consecutive weeks in several newspapers published in this state; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

Section 2. If two or more amendments shall be submitted in such manner that the electors shall vote for or against each of such amendments separately, and while an amendment or amendments which shall have been agreed upon by one legislative assembly shall be awaiting the action of a legislative assembly, or of the electors, no additional amendment or amendments shall be proposed.

A STATUTE REQUIRED BY LAW TO BE PUBLISHED WITH THE ELECTION LAWS.

An act entitled an act to regulate the running at large of stock.

Feb. 21, 1903. *Be it enacted by the Legislative Assembly of the State of Oregon:—*
Title of
the act.

Section 1. On the petition of one hundred or more legal voters of any county in this state being filed with the county clerk before the time of giving notice of the general election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against stock running at large.

Section 2. In voting for and against stock running at large, Feb. 21, 1881. it shall be printed or written on the same ballot with candidates for county officers, and shall read, "For running at large—Yes," or "For running at large—No," and the votes thus cast shall be canvassed the same as those cast for any county officer.

Section 3. If a majority of all the votes cast shall be against stock running at large, the county clerk shall give notice by publication in some newspaper for three consecutive weeks that in sixty days from the date of said notice it will be unlawful for stock to run at large, under penalty of ten dollars for the first offense and twenty dollars for each and every subsequent offense, to be recovered from the owner of the stock in civil action, in the name of the state of Oregon, before a justice of the peace of the precinct in which such owner or keeper, or either of them, may reside; and such penalty shall be for the benefit of, and when collected paid into, the common school fund of the county in which such action is brought, within sixty days after such animal is proved to be at large.

Section 4. No prosecution shall be commenced to recover the penalties named in section 3 until at least one day's notice has been given to the owner or person having charge of such stock, if such owner or keeper be known; and it shall be sufficient defense to such prosecution to show that such animal or animals were at large without the knowledge of such owner or keeper, and without his fault; *provided*, that after the owner has been once notified that his stock is running at large, it will not be necessary to notify such owner or keeper on the stock being found at large a second time, if it is known and is susceptible of proof that such owner or keeper is aware that such stock is running at large contrary to the provisions of this act.

Section 5. Any person finding any stock at large contrary to the provisions of this act, and any constable of any precinct, or marshal of any city of his county where such stock may be found, on view or information, shall take up such stock and confine the same forthwith, giving notice thereof to the owner or keeper, if known, and if not known, by posting notices de-

Feb. 21, 1893. scribing such animals therein, in at least three public places in the precinct; and if the owner or keeper does not appear and claim his property, and pay all charges for taking up, advertising, and keeping the same within ten days from the date of this notice, the sale of the animals may be proceeded with under the law relating to estrays; *provided, however*, that the provisions of this act shall not apply to any county east of the Cascade mountains, excepting Umatilla.

Approved February 21, 1893.

CONSTITUTIONAL AMENDMENTS.

HOUSE JOINT RESOLUTION NO. 7.

Be it resolved by the Senate, the House concurring:

That the following amendment to the constitution of the state of Oregon be and is hereby proposed:

ARTICLE I.

The elective franchise in this state shall not hereafter be prohibited to any citizen on account of sex.

Adopted by the senate February 6, 1895.

JOSEPH SIMON,
President of the Senate.

Adopted by the House February 6, 1895.

CHAS. B. MOORES,
Speaker of the House,

Note.—The above proposed amendment was introduced and passed by the eighteenth biennial legislative assembly of the state of Oregon. Owing to the failure of the nineteenth general assembly to organize it was not transmitted to that assembly but will be transmitted to the legislature at its first meeting. Should the amendment be adopted by the next legislature it will be necessary for that body to pass a special act authorizing its submission to a vote of the people at the general election to be held in 1900.—*H. R. Kincaid, Secretary of State.*

Four constitutional amendments were proposed and passed by the seventeenth biennial legislative assembly in 1893, and were again passed by the eighteenth biennial legislative assembly in 1895, and would have been submitted to the people for final ratification or rejection at the election held in 1896, had not the eighteenth legislative assembly failed to pass an act specifically authorizing the publication and submission of such amendments as provided for in article XVII of the constitution of Oregon. In not submitting these amendments to the people at the election in 1896, I followed the opinion of the attorney-general, Hon. C. M. Idleman, who under date of December 9, 1895, advised me that there was no law specifically or impliedly authorizing me to make such submission, the legislature having failed to comply with the requirements of that article of the constitution of Oregon wherein the method of procedure necessary to be followed out is given. The four constitutional amendments referred to in the form of senate and house joint resolutions are printed below in full.—*H. R. Kincaid, Secretary of State.*

SENATE JOINT RESOLUTION NO. 4.

Be it resolved by the Senate, the House concurring, That the following amendment to the constitution of the state of Oregon be and is hereby proposed: That section 10 of article XI of the constitution of the state of Oregon be and the same is hereby abrogated, and in lieu thereof section 10 of article XI shall be as follows:

ARTICLE XI.

Section 10. No county, city, town, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including present existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

Adopted by the senate January 30, 1893.

C. W. FULTON,
President of the Senate.

Concurred in by the House February 2, 1893.

W. P. KEADY,
Speaker of the House,

Adopted by the senate January 31, 1895.

JOSEPH SIMON,
President of the Senate.

Adopted by the house February 4, 1895.

CHAS. B. MOORES,
Speaker of the House.

SENATE JOINT RESOLUTION NO. 13.

Be it resolved by the Senate, the House concurring, That the following amendment to the constitution of the state of Oregon, in lieu of section 10 of article seven (VII), be and the same is hereby proposed, to wit:

Section 10. The legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which classes shall consist of five justices of the supreme court, who shall not perform circuit duty; and the other class shall consist of as many circuit judges as may be deemed necessary, who shall hold full terms, without allotment, and who shall take the same oath as the supreme judges. The legislative assembly may create as many circuits as may be necessary.

Adopted by the senate February 15, 1893.

C. W. FULTON,
President of the senate.

Concurred in by the house February 15, 1893.

W. P. KEADY,
Speaker of the house.

Adopted by the senate January 31, 1895.

JOSEPH SIMON,
President of the senate.

Concurred in by the house February 6, 1895.

CHAS. B. MOORES,
Speaker of the house.

HOUSE JOINT RESOLUTION NO. 2.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE
STATE OF OREGON, BY REPEALING SECTION 35
OF ARTICLE 1.

Resolved by the House, the Senate concurring, That section 35 of
article I of the constitution be and hereby is repealed.

Adopted by the house January 11, 1893.

W. P. KEADY,
Speaker of the house.

Concurred in by the senate January 30, 1893.

C. W. FULTON,
President of the senate.

Adopted by the house January 30, 1895.

CHAS. B. MOORES,
Speaker of the house.

Concurred in by the senate February 12, 1895.

JOSEPH SIMON,
President of the senate.

HOUSE JOINT RESOLUTION NO. 10.

Resolved by the House, the Senate concurring, That the follow-
ing amendment to the constitution of the state of Oregon be
and hereby is proposed: That the constitution be amended by
adding article XIX as follows, to wit:—

ARTICLE XIX.

Section 1. The necessary use of lands for the construction
of reservoirs or storage basins for the purpose of irrigation or
for rights of way for the construction of canals, ditches, flumes
or pipes to convey water to the place of use for any useful,
beneficial or necessary purpose, or for drainage or for drainage
of mines or the workings thereof, by means of roads, railroads,
tramways, cuts, tunnels, shafts, hoisting works, dump or other
necessary means to their complete development, or any other

use necessary to the complete development of the natural resources of the state or preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the state.

Section 2. The right to appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied.

Section 3. The use of all waters now appropriated for sale, rental or distribution, also of all waters originally appropriated for private use, but which, after such appropriation, has heretofore been or may hereafter be sold, rented or distributed, is hereby declared to be a public use and subject to the regulation and control of the state in the manner prescribed by law; but the right to use and appropriate such waters shall be subject to such provisions of law for the taking of private property for public or private use as provided in section 18, article I of the constitution of the state of Oregon.

Section 4. The right to collect taxes or compensation for the use of water supplied to any county, city, town, or water district, or inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in a manner prescribed by law.

Adopted by the house February 15, 1893.

(Signed March 7, 1893.) W. P. KEADY,
Speaker of the House.

Adopted by the senate February 17, 1893.

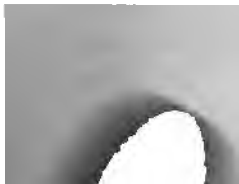
(Signed March 28, 1893.) C. W. FULTON,
President of the Senate.

Adopted by the house February 6, 1895.

CHAS. B. MOORES,
Speaker of the House.

Concurred in by the senate February 13, 1895.

JOSEPH SIMON,
President of the Senate.



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Adopted by the house February 15, 1893.

W. P. KEADY,
Speaker of the House.

(Signed March 7, 1893.)

Adopted by the senate February 17, 1893.

C. W. FULTON,
President of the Senate.

(Signed March 28, 1893.)

Adopted by the house February 6, 1895.

CHAS. B. MOORES,
Speaker of the House.

Concurred in by the senate February 13, 1895.

JOSEPH SIMON,
President of the Senate.

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